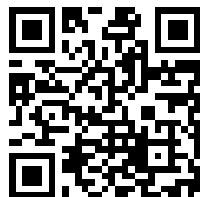


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# THE LAWS OF TEXAS

1822-1897

*Austin's Colonization Law and Contract; Mexican Constitution of 1824; Federal Colonization Law; Colonization Laws of Coahuila and Texas; Colonization Law of State of Tamaulipas; Fredonian Declaration of Independence; Laws and Decrees, with Constitution of Coahuila and Texas; San Felipe Convention; Journals of the Consultation; Proceedings of the General Council; Goliad Declaration of Independence; Journals of the Convention at Washington; Ordinances and Decrees of the Consultation; Declaration of Independence; Constitution of the Republic; Laws, General and Special, of the Republic; Annexation Resolution of the United States; Ratification of the same by Texas; Constitution of the United States; Constitutions of the State of Texas, with all the Laws, General and Special, passed thereunder, including Ordinances, Decrees, and Resolutions, with the Constitution of the Confederate States and the Reconstruction Acts of Congress.*

COMPILED AND ARRANGED BY  
H. P. N. GAMMEL  
OF AUSTIN.

WITH AN INTRODUCTION BY C. W. RAINES.

VOLUME IV.

AUSTIN:  
THE GAMMEL BOOK COMPANY.  
1898



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**SPECIAL LAWS**  
**OF**  
**THE STATE OF TEXAS**

**PASSED BY**  
**THE FIFTH LEGISLATURE**

**CONVENED NOVEMBER 7, 1853**

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**BY AUTHORITY.**

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**AUSTIN**  
**1854**

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# L A W S.

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## CHAPTER I.

### An Act to Incorporate the Medical Association of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That Ashbel Smith, M. D., O. F. Renick, M. D., David C. Dickson, M. D., W. P. Smith, M. D., Joseph Taylor, M. D., G. S. C. Harper, M. D., George Cupples, M. D., Edward Tucker, M. D., H. P. Howard, M. D., R. W. Guilmette, M. D., J. M. Litten, M. D., James Gaines, M. D., S. K. Jennings, jr., W. Russell, M. D., W. G. W. Jowers, M. D., H. M. Allen, M. D., A. J. Lott, M. D., J. W. T. Coles, M. D., John T. Alexander, M. D., W. F. Evans, M. D., R. N. Lane, M. D., J. T. Jeffries, M. D., J. H. Lyons, M. D., W. S. Burks, M. D., F. M. Giddings, M. D., Theodore Kester, M. D., J. W. Throckmorton, M. D., Lewis A. Bryan, M. D., W. A. Morris, M. D., W. Ramer, M. D., W. K. Brown, M. D., Charles A. Porter, M. D., M. A. Taylor, M. D., J. J. Roberts, M. D. and John McDonna, M. D., together with all others who now belong to, or shall hereafter be duly admitted or become members of that Association, according to the rules, orders and constitution of the said Association, formed or to be formed, shall be and they are hereby declared to be one established body, corporate and politic, in deed and in name, by the name and style of the Medical Association of Texas, and by the same name shall have perpetual succession of officers and members, and a common seal, with power to change, alter, break and make new the same as often as the said corporation shall judge expedient, and the said corporation and its successors shall be able and capable in law to purchase, have, hold, receive, enjoy, possess and retain to itself and to its successors for the term of fifty years, any estate or estates, lands, tenements or hereditaments of any kind or nature soever, not to exceed in value the sum of one hundred thousand dollars, to sell, alienate, exchange or lease the same or any part thereof, as they shall think proper, and

may by the same name sue and be sued, implead and be impleaded, answer and be answered unto, in any court of law or equity in this State, and to make such rules and by-laws (not repugnant to the laws of the State) for the benefit of the said corporation, and for the order, rule, good government and management of said corporation as shall from time to time be agreed upon by a majority of the members of the said corporation.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved, November 28, 1853.

---

## CHAPTER II.

### An Act to Incorporate the Sharon Union School.

Section 1. Be it enacted by the Legislature of the State of Texas, That Frederick Nance, W. P. Watson, George Frazer, Fleming Jones, J. P. Matthews, Harvey Glass and M. D. K. Taylor, be, and they are hereby incorporated a body politic, under the name and style of the Trustees of the "Sharon Union School," capable in law of suing and being sued, of pleading and being impleaded, or holding property, real, personal and mixed, of selling and conveying the same at pleasure, of having a common seal, and of doing and performing whatever else may be proper and necessary to be done for the advancement of said institution, not contrary to the constitution and laws of this State.

Sec. 2. Be it further enacted, That this charter and privilege shall extend to the said Trustees and their successors in office so long as they confine the operations of the same to the promotion of useful knowledge to the young, and the advancement of the sciences; and said institution shall be accessible alike to all, without regard to religious opinions.

Sec. 3. Be it further enacted, That the Trustees shall have full power to enact such by-laws, rules and regulations for the government of said institution as may seem to them necessary for that object.

Sec. 4. Be it further enacted, That said institution herein created, shall be located at Sharon, Cass county, Texas.

Approved, November 30, 1853.



CHAPTER III.

An Act to Incorporate the Black Cypress Bridge, Ferry and Turnpike Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Ward Taylor, Sen., F. P. Smith, J. P. Matthews, John A. Browning, Fleming Jones, Moses B. Frazer and their associates or assigns, be, and they are hereby created a body corporate under the name and style of the Black Cypress Bridge, Ferry and Turnpike Company, and in that name may sue and be sued, plead and be impleaded, may have a common seal, with full power to construct a turnpike road in the county of Cass, across the bottom of the Black Cypress, at or near the road leading from Jefferson to Monterey, commencing at the foot of the hill on the west side, and terminating at the high land on the east side of said stream.

Sec. 2. Be it further enacted, That immediately after the passage of this act, the said company may meet and elect one President and three Directors, for the term of one year, and annually thereafter, whose duty it shall be to manage and direct the business of this company in the manner contemplated in this act.

Sec. 3. Be it further enacted, That as soon as said company shall so far complete said work as to admit of travel, they shall be authorized to demand and receive the following toll, viz: For each loaded wagon, not to exceed fifty cents, including drivers and team; and for other wagons and carriages of any description, not to exceed ten cents per wheel; for each horse or mule and rider, ten cents; for loose horses or mules, five cents per head; for cattle, hogs, goats, sheep or other stock, three cents per head. The road to be constructed by throwing up an embankment, levee or open bridges, as the company may deem best, sufficiently wide to admit of teams to pass, and to be elevated above the usual high water mark in said bottom or on either side, and a bridge or ferry across said river. The above rates of toll to be levied only with a view to raise a sufficient revenue to construct said road, bridge or ferry, and to keep the same in repair thereafter, including services of keeper, as in the judgment of said corporate body may be deemed necessary.

Sec. 4. Be it further enacted, that said company may erect as many gates for the collection of toll as may be deemed necessary; provided, that no person shall be liable to pay toll

at more than one gate for each passage; and provided further, that persons traveling only part of the road shall be required to pay full toll, if such person cross the main stream or bridge or flat at the ferry.

Sec. 5. Be it further enacted, That if any person shall travel on said road or drive any horses, mules, cattle, sheep, goats, swine or other animal of any description, or any wagon or carriage of any description on the same, without paying toll therefor under the rules and regulations before mentioned, or shall obstruct or damage said road, the said company shall have the right of action to recover such toll or damages sustained, in any court having competent jurisdiction.

Sec. 6. Be it further enacted, That said company shall enjoy and exercise the privileges herein granted for the term of thirty years from and after the completion of said road.

Sec. 7. Be it further enacted, That said company shall have five years to complete said road from the first day of January, A. D. 1854, and if the same is not completed by said time, this charter shall be null and void.

Approved, November 30, 1853.

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#### CHAPTER IV.

##### **An Act to Incorporate the Linden Male and Female Academy and Masonic Hall.**

Section 1. Be it enacted by the Legislature of the State of Texas, That William Oliver, Thomas J. Foster, John Ligon, Ebenezer Frazer, T. J. White, Anderson Ward and H. J. Story, be, and they are hereby incorporated a body politic, under the name and style of the Trustees of the Linden Male and Female Academy and Masonic Hall, capable in law of suing and being sued, of pleading and being impleaded, of holding property, real, personal and mixed, of selling and conveying the same at pleasure, of having a common seal, and of doing and performing whatever else that may be proper and necessary to be done for the advancement of said institution, not contrary to the constitution and laws of the State.

Sec. 2. That this corporation and privilege shall extend to the said Trustees and their successors in office, so long as they

confine the operations of the same to the promotion of useful knowledge to the young, and the advancement of the sciences, and said institution shall be accessible alike to all, without regard to religious opinions.

Sec. 3. That the Trustees shall have full power to enact such by-laws, rules and regulations for the government of said institution as may seem to them necessary for that object.

Sec. 4. That said institution herein created shall be located in the town of Linden, in Cass county, in the State of Texas.

Sec. 5. That this act take effect from and after its passage.

Approved, December 15, 1853.

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## CHAPTER V.

### An Act to provide for the Construction of the Mississippi and Pacific Railroad.

Section 1. Be it enacted by the Legislature of the State of Texas, That for the purpose of aiding in the construction of a railroad from some point on the eastern boundary line of the State of Texas, not north of the town of Fulton in the State of Arkansas, to a suitable point on the Rio Grande, at or near the town of El Paso, there be, and hereby is appropriated and set apart to any company or companies who may undertake and construct said road, twenty sections of land, of six hundred and forty acres to the section, for each and every mile of said road which may be constructed and put in complete operation according to the terms of this act, to be selected and patented in the manner hereinafter provided for.

Sec. 2. That a right of way, not exceeding three hundred feet in width, be and the same is hereby set apart and granted along the entire length of said road, through the public lands of the State of Texas, to be held and enjoyed for the uses and purposes of said road forever, and that all earth, stone, timber and other material, of whatsoever character and description, on the public lands, so long as they shall remain the property of the State, in the vicinity of said road, be and the same are

hereby made subject to the uses and purposes of said road, as well in the construction thereof as in supplying the same with the necessary furniture and machinery, to be made available as occasion may require, by those employed in the construction, management or working of said road; provided, that said company shall not be allowed to use any timber which may be upon the alternate sections reserved to the State, except upon the three hundred feet granted as the right of way, after the completion of the road.

Sec. 3. That the said road shall be constructed throughout in a thorough, substantial and workmanlike manner, with all necessary drains, culverts, bridges, viaducts, crossings, turnouts, sidings, stations, watering places and all other appurtenances, including equipments of locomotives of sufficient speed and capacity, commodious and comfortable passenger cars, and freight cars adapted to the business to be done, and equal, in all respects and at all times, to a road of the first class when thoroughly organized for business; to be under the constant supervision of a sufficient number of skillful engineers, to be employed by the directors of said road; the rails to be of the best quality, weighing not less than sixty-four pounds to the yard; fifty miles of said road to be finished and put in complete operation within eighteen months after entering into the contract hereinafter provided for, and at least one hundred miles thereof to be finished and put in operation in like manner every year thereafter, until the whole shall be completed.

Sec. 4. That it shall be the duty of the Governor of the State, immediately after the passage of this act, to advertise in such public newspapers as he may judge proper, not exceeding twelve in number, inviting proposals from companies or individuals for the construction of said road, which proposals shall be filed in the office of the Secretary of State, at such time as the Governor may direct, provided said bids are made on or before the first day of August next; and shall specify the time at which the work shall be commenced; the number of miles to be finished and placed in running order within the first eighteen months and each year thereafter, and at what time the entire road shall be completed, together with the amount proposed to be deposited in the Treasury of this State, according to the terms of this act, to be forfeited in case fifty miles of said road shall not be completed within eighteen months from the time of entering into the contract hereinafter provided for.

Sec. 5. That it shall be the duty of the Governor, as soon as

practicable, to select from the proposals so made, that one which in his judgment, under all the circumstances of the case, shall offer the strongest assurances and guaranties that the road will be promptly and substantially built in its whole length, according to the provisions of this act, and to enter into contracts for the construction of the same, which contracts shall so cover in detail, all the provisions of this act, as to secure the construction and maintenance of a road, at all times equal in all respects to a road of the first class when thoroughly organized for business; and in case those whose proposals may have been accepted, fail or refuse to enter into the contract, then the said Governor may contract with any company or individuals for the construction and maintenance of said road according to the provisions of this act.

Sec. 6. That said contractors, their associates and successors, and those who may become stockholders in said company, shall be and are hereby declared to be a body politic and corporate, for and during the term of ninety-nine years, by the name and style of the Mississippi and Pacific Railroad Company, and under that name capable of suing and being sued, and pleading and being impleaded in law and equity, in all courts and places whatsoever, in like manner and as fully as natural persons, and by said corporate name and style shall be capable in law of contracting and being contracted with; shall have the power of acquiring by purchase, donation or otherwise, real and personal estate, holding and conveying the same, and all other powers, immunities, rights and privileges necessary to carry into full effect the provisions of this act.

Sec. 7. That said corporation is hereby authorized and empowered to survey, locate, construct, complete, alter, maintain and operate a railroad, with one or more tracks or lines of rails from a point not north of the town of Fulton, in the State of Arkansas, to some suitable point on the Rio Grande, at or near the town of El Paso; and for the purpose of effecting the desirable and national object of constructing a continuous and national railway from the Mississippi river to the Pacific Ocean, said company are hereby authorized to form connections and enter into agreements with such other companies as they may see fit, and where such companies are so united by agreements properly entered into and recorded in the office of the Secretary of State of this State, they shall be regarded as one corporation, with all the rights, immunities and privileges necessary to accomplish the object, not inconsistent with the Constitution

and laws of the United States, or any of the States through which said road may be constructed.

Sec. 8. That the capital stock of the company shall be twenty millions of dollars, which may be increased from time to time to any sum not exceeding the entire amount expended on account of said road, divided into shares of one hundred dollars each, which shall be deemed personal property, and may be subscribed for, issued and transferred in such manner and at such times and places as may be prescribed in the by-laws of said company.

Sec. 9. That said contractors shall have power to organize said company by calling a meeting of the stockholders, at such time and place as they may deem expedient, to elect a board of directors to consist of not exceeding fifteen members, one of whom shall be chosen by the directors to act as President, and said directors so elected shall have power to appoint such other officers and agents as they may think proper, and to adopt such by-laws as may be necessary, not inconsistent with the Constitution of the United States nor the Constitution and laws of the State of Texas, a copy of which by-laws shall be filed with the Secretary of State, and published in at least three newspapers in the State; to provide for the meetings of the board of directors; appoint and dismiss officers and agents; regulate the manner of the voting of stockholders; direct the manner in which shares shall be sold, transferred or forfeited; to establish from time to time rates and charges for the transportation of freight and passengers; to make, have and use a common seal, and alter the same at pleasure; issue bonds of not less than five hundred nor more than one thousand dollars; to borrow money upon the bonds of the company or otherwise, for the purpose of constructing said road, with power to mortgage the same to secure the payment of said bonds and loans with the interest thereon; provided, that at the first election of directors as herein provided, the directors shall regulate the manner in which stockholders shall vote.

Sec. 10. That said company may construct its road over or across any stream or body of water, road, highway, or across any other railroad, and through any lands owned by individuals or corporations, and in all cases where lands belonging to individuals or corporations shall be taken by said company, it shall be lawful for the owner or agent of such person or corporation to appear before the District Court of the county where such lands are situate, when the damages claimed amount to one hundred dollars or more, or before the nearest Justice of the Peace

when the damages are one hundred dollars or less; and said suit shall proceed and be conducted according to the laws in force regulating proceedings in the District Court and in Justice's Courts, as the case may be, and the question of damages shall be tried by a jury, sworn and empanelled as usual in said court, to assess the damages caused by taking such lands; and said jury in rendering their verdict shall take into consideration whether the enhanced value of the residue of the land belonging to such person or corporation has not been by means of said road increased in amount equal to the damages sustained, and if so, they shall render a verdict in favor of said company, otherwise against it, for the amount of damages which he, she or they may have sustained; provided, that in no case shall said company be bound to pay costs, if it satisfactorily proves that an amount equal to the damages assessed by the verdict of the jury was tendered to the party suing before the institution of the suit; and the payment of such damages before or after a judgment, shall operate so as to vest in said company a full and complete title to such land not exceeding three hundred feet in width.

Sec. 11. That said company, after they may have commenced receiving toll on any section of fifty miles of said road, shall be bound at all times to have the same in good repair, and a sufficient number of suitable carriages and vehicles for the transportation of persons and property.

Sec. 12. That said company, person or persons shall, within sixty days after entering into the contract, as herein provided for, deposit with the Treasurer of the State of Texas, at least three hundred thousand dollars in gold or silver, or evidences of debt of the State of Texas, or other good par stocks, as a guarantee that fifty miles or more of said road shall be constructed and in complete order for business within the term of eighteen months from the date of said contract, and if fifty miles or more of said road be completed according to the terms of the contract, then the Governor shall cause the said money or stocks to be returned to said company; and in case of a failure upon the part of said company, then such money or stocks to be forfeited to and become the property of the State of Texas; and in case of failure to deposit said amount, within the time prescribed, said contract shall be null and void, and the Governor is hereby authorized to enter into another contract, as near as may be in the terms of this act, with any other company or individuals for the like purposes.

Sec. 13. That it shall be the duty of the company, so soon



as the track of said road may be selected, to cause the vacant lands to be surveyed into sections of six hundred and forty acres each, for thirty miles on each side of the same, and as soon as said company shall have completed fifty miles of said road according to the terms of the contract, they shall be and are hereby authorized to select and designate to the Governor an amount of land to be taken in alternate sections, so that no two sections shall join each other except at one corner, equal to twenty sections for every mile of road so finished, which lands so selected and designated to the Governor, shall be patented to said company or their assigns, free of all costs; and in like manner for each and every section of said road, until the whole shall have been finished; provided, that said road shall cross the rivers Trinity, Brazos and Colorado as near the 32d degree of north latitude as practicable.

Sec. 14. That all of the vacant and unappropriated public lands belonging to the State of Texas, east of the 103d parallel of longitude west from Greenwich, and embraced between the parallels of latitude 31° and 33° north, and all of the vacant and unappropriated lands belonging to the State west of the 103d° of longitude, and embraced between the parallels of latitude 30° 30' and 32° north latitude, be and the same is hereby held in reserve by the State, for the purposes herein set forth, until the tract of said road is located by said company; from and after which time there shall be held in reserve by the State, for the purposes above set forth, all of the vacant and unappropriated land belonging to the State, lying within thirty miles on each side of said road, until the same is surveyed and located in accordance with the provisions of the 13th section of this act; provided, that if there should not be a sufficient amount of vacant and unappropriated land belonging to the State embraced in the above last reservation to fully satisfy the amount of land to which said company may be entitled by virtue of a compliance with the provisions of this act, that the Governor cause to be issued by the Commissioner of the General Landoffice, certificates for six hundred and forty acres each, to said company, for the balance they may be entitled to, which may be located upon any other vacant and unappropriated land belonging to the State, in such manner that no two sections shall join, except at one corner, at the proper cost and charges of said company or their assigns, which shall be patented to said company as other lands; provided, that the alternate sections herein reserved to the State, shall so continue to be reserved to the use of the State until otherwise directed by

law; and further provided, that said surveys shall be made in a square, and those adjoining the road shall front one mile thereon and no more, unless prevented by surveys made previous to the passage of this act.

Sec. 15. That should the said company fail at any time to finish the length of said road contracted to be completed within the term specified in the contract, the said contract, with the powers, privileges and immunities, together with such parts of the road as may have been constructed, with all its machinery and appurtenances, shall be forfeited to and become the property of the State of Texas, reserving, however, to said company the right to prosecute and defend all suits and rights or liabilities which may have accrued or been incurred prior to such forfeiture.

Sec. 16. That should the said contract become forfeited, it shall be the duty of the Governor of the State to re-advertise and re-let the said road to other contractors, conforming himself in all respects as near as may be, to all the terms and conditions of this act, and such subsequent contractors shall be fully invested with all the powers, rights, privileges and immunities of the first contractors, and subject to the same terms and conditions.

Sec. 17. That the lands granted to said company by this act, shall be alienated by said company as follows: one-fourth in six years, one-fourth in eight years, one-fourth in ten years and one-fourth in twelve years, after the same shall have been selected and located by said company.

Sec. 18. That the sum of one thousand dollars, or as much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the Treasury, not otherwise appropriated, to enable the Governor to carry into effect the provisions of this act.

Sec. 19. That this act shall not be so construed as to affect any right of location or entry, pre-emption right or survey heretofore acquired in the district of country reserved and set apart for the use of said road; and that this act take effect from and after its passage.

Approved, December 21, 1853.

## CHAPTER VI.

## An Act Incorporating the Grand Temple of Honor of the State of Texas, and Subordinate Temples under its jurisdiction.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Grand Temple of Honor of the State of Texas is hereby constituted a corporate body, with full power to acquire, hold and transfer property, not to exceed in value the sum of twenty-five thousand dollars, to sue and be sued, and to plead and be impleaded in their corporate name.

Sec. 2. That each Subordinate Temple which is now or may hereafter be organized, under the jurisdiction of the Grand Temple or the Supreme Council of the United States in this State, is also hereby incorporated, each in its individual name, with like powers as are hereby vested in said Grand Temple, except that said Subordinate Temples shall not hold property to exceed in value the sum of ten thousand dollars each.

Sec. 3. That this act shall continue in force for the term of fifty years, and shall take effect from and after its passage.

Approved, December 30, 1853.

## CHAPTER VII.

## An Act to Incorporate the Austin and Houston Turnpike Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Francis Moore, his associates, successors and assigns be, and they are hereby incorporated under the name and style of the Austin and Houston Turnpike Company, and under this title may transfer their rights by succession or assignment, and shall be in law capable of suing and being sued, plead and being impleaded, answering and being answered, defending and being defended, in all courts and places whatever, and that they and their successors by the same name and style, shall be in law capable of holding, purchasing and conveying any estate, real, personal or mixed, for the use of said corporation,

and doing and performing all things which are necessary and common for companies of a similar nature to do, not contrary to the provisions of this charter as hereinafter enacted, to the laws of the State or the constitution of the United States.

Sec. 2. That said company shall have the right to construct a turnpike road from the city of Houston to the city of Austin, to construct bridges over the streams between the said cities, to erect toll gates and charge tolls to be regulated by law; provided, no bridges shall be built that shall obstruct navigation.

Sec. 3. That the capital stock of said company shall not exceed one hundred thousand dollars, and said company shall keep the said Turnpike in good repair and shall forfeit all tolls during the period that said road is out of repair, and said company shall have authority to adopt all such rules, regulations and by-laws as they may consider necessary to carry out the objects contemplated by this charter.

Sec. 4. That the said company shall have the right to run said road upon any vacant and unappropriated land, and the same for one hundred feet parallel with said road, is hereby especially reserved for the use of said road, and in case of any disagreement between said company and any person or persons through whose land they may wish to run said road, or any heirs, non-residents or other persons owning lands through which said company may wish to run said road, neglect or refuse to dispose of the same to said company, one hundred feet in width, for the use of said road, in all such cases the said company shall apply to the County Court in which said land may lay, and the said court shall appoint five disinterested citizens of the county, whose duty it shall be to examine the land and condemn the same for the use of said road for one hundred feet in width parallel with said road, and shall assess the damages upon the same, which shall be paid by said company; provided, nothing in this act shall prevent any railroad company from having the right of way between the cities of Austin and Galveston.

Sec. 5. That this charter shall continue in force twenty-five years; provided, said company shall commence the construction of said road within six months from the passage of this act, and finish the same within five years from and after the passage of the same, and in the event said company shall fail to finish the same as specified in this act, then they shall forfeit this charter and all its privileges, and shall take effect from and after its passage.

Approved, December 30, 1853.

## CHAPTER VIII.

## An Act to Incorporate the Texas and Red River Telegraph Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. S. Sydnor of Galveston, John N. Rose of Harris, Sydney Sherman of Harris, P. J. Willis of Montgomery, H. Yoakum of Walker, John Long of Houston, J. W. Scott of Anderson, William P. Brittain of Cherokee, William H. Estill of Rusk and W. R. D. Ward of Harrison county, be, and they are hereby incorporated under the name and style of the Texas and Red River Telegraph Company, and by that name may sue and be sued, plead and be impleaded, have a corporate seal and succession for the term of fifty years from and after the passage of this act.

Sec. 2. The capital stock of said corporation shall not exceed one hundred thousand dollars, nor shall it be used in any other manner or for any other business than that connected with the business of said company, as set forth in the following section.

Sec. 3. Said company shall be and are hereby authorized to establish and keep up a telegraph line from Galveston to Red River, to appoint and remove all such agents and officers as they may think proper and necessary for the purposes aforesaid, and to establish a tariff of charges on messages sent on said line, and alter the same as they may deem proper.

Sec. 4. The holders of stock already subscribed in said company, or which may hereafter be subscribed, shall be called as soon as practicable to meet at the town of Crockett, in Houston county, to organize under this act, and until the close of such meeting, the persons named in the first section of this act shall be the directors of the company.

Sec. 5. At said first meeting of Stockholders and at such other stated meetings as they determine, said company shall elect their officers and make such by-laws as they may think advantageous; provided, nothing herein contained shall prohibit said company from vesting in their President or Directors, or both, the power to fill such subordinate offices and agencies as the company may create; provided, also, that their by-laws shall not be inconsistent with this act, or with the laws of the State.

Sec. 6. At all meetings of Stockholders, a share of one hundred dollars shall be entitled to one vote, which may be given by the holder in person or by written proxy.

Sec. 7. The books of the company shall always be open to the inspection of any stockholder, and no share of stock shall be transferred except upon such company's books when a new certificate shall issue to the assignee.

Sec. 8. Said company are authorized to connect their line with other lines in this State, or to permit other lines to connect with their line upon such terms as they may agree.

Sec. 9. Said company may determine to what extent the non-payment of shares upon stock shall operate as a forfeiture of the same.

Sec. 10. All contracts heretofore made by said company with share-holders or contractors, may be executed under this act and in the corporate name of said company.

Sec. 11. In all suits against said company, citation duly served on the President shall be sufficient.

Sec. 12. That said company shall be required to transmit all messages and dispatches over their line, that may be received by them from other lines that may be connected with their line, to such point on the same as such messages or dispatches may be directed to, at the same rates of charges as may be charged on their said line.

Approved, January 5, 1854.

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## CHAPTER IX.

### An Act to Incorporate Anson Lodge No. 29, I. O. O. F.

Whereas, Anson Lodge No. 29, I. O. O. F., located at Centreville, Leon county, has evinced a most laudable determination in their efforts to build and establish at said place a permanent institution of learning, and in order that said Lodge may more speedily and securely accomplish an object so worthy; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That G. H. B. Grigsby, Wm. D. Wood, William Keigroin, Nathan H. Hale, William Holman, James W. Gregg and Herod B. Pruitt, officers and members of Anson Lodge, number twenty-nine, of the Independent Order of Odd Fellows, and



their successors, located at Centreville, Leon county, are hereby created a body politic and corporate by the name of Anson Lodge No. 29, I. O. O. F.

Sec. 2. That said officers and members and their successors in their corporate capacity and in their corporate name, are fully empowered to sue and be sued, to plead and be impleaded, to contract, grant, bargain, sell and convey and do any other act in their corporate name, not contrary to the Constitution and laws of this State.

Sec. 3. That said officers and members and their successors in their corporate capacity, and by their corporate name may purchase, hold, bargain, sell and convey real estate not to exceed in value at any one time fifty thousand dollars.

Sec. 4. That the acts of said corporation shall be evidenced by its seal, signature of the N. G. of said Lodge, and the attestation of the Secretary.

Sec. 4. That the seal of the said corporation have their links engraved in the centre, said links to be surrounded by two indented rings, the outer edge shall be notched, and between the notched edge and the outer indented rings, shall be engraved the words and figures, to wit: "Anson Lodge No. 29, I. O. O. F.," and between the outer and inner rings, shall be engraved the words "Texas, F. L. and T."

Sec. 6. That said Lodge shall procure said seal as soon as convenient, and until it is procured, a scrawl may be used as a seal.

Sec. 7: That this act shall be in force from and after its passage.

Approved, January 5, 1854.

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## CHAPTER X.

### An Act to Incorporate Indian Creek Academy.

Section 1. Be it enacted by the Legislature of the State of Texas, That Louis P. Seale, Avery Breed, M. F. Hart, David S. Henderson, Jabez Isbell, L. B. Yeates and R. C. Doom, be, and they are hereby created a body politic, in the county of Jasper, under the name and style of the President and Trus-

tees of Indian Creek Academy, and by that name may sue and be sued, plead and be impleaded, buy, sell and hold property, real, personal and mixed; the said Trustees may have and use a common seal for the transaction of its business.

Sec. 2. A majority of the Trustees shall constitute a quorum to transact all the ordinary business of said Academy; they shall have power to elect their own officers and to make their own by-laws; provided, such by-laws are not inconsistent with the provisions of this charter or the laws or Constitution of the State of Texas; and further provided, that it shall require the concurrence of two-thirds of said Trustees to elect or remove the President or Principal.

Sec. 3. The Principal shall have power to grant certificates of advancement in the sciences to deserving students.

Sec. 4. The Trustees shall have the power of fixing the salaries of all officers connected with the Academy and of filling all vacancies which may occur in their own body.

Sec. 5. No religious test shall ever be required of any President or Tutor in said Academy; nor shall any student or officer be censured, suspended or expelled on account of his political or religious opinions; provided, that the Trustees of said Academy shall not be prohibited from providing for the infliction of suitable punishment for immoral conduct.

Sec. 6. All donations and bequests, made to said Academy, shall be good and binding, notwithstanding the misnomer of said Academy by the party making the donation or bequest.

Sec. 7. The said Academy shall not hold real estate exceeding fifty thousand dollars in value; and it shall never be under the control of any particular denomination of Christians or religious sect.

Sec. 8. That this act take effect from its passage.

Approved, January 5, 1854.

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## CHAPTER XI.

An Act to amend a Joint Resolution entitled "Joint Resolution for the relief of the heirs and assigns of Benjamin D. Nobles, deceased," approved December thirty-first, eighteen hundred and forty-nine.

Section 1. Be it enacted by the Legislature of the State of

Texas, that the first section of the above recited Joint Resolution, be, and the same is hereby amended so as to read as follows: That the Comptroller be and he is hereby authorized to receive the amount due on lots numbered one and three in block number sixty-seven, and lot number two in block number fifty-five, in the city of Austin, from the legal representatives of Benjamin D. Nobles, deceased, and upon the receipt thereof that he issue the usual certificate for patent.

Sec. 2. That this act take effect from and after its passage.

Approved, January 5, 1854.

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## CHAPTER XII.

### An Act to Incorporate Jackson Division No. 9, Sons of Temperance.

Section 1. Be it enacted by the Legislature of the State of Texas, That the officers and members of Jackson Division number Nine, Sons of Temperance, at Seguin, and their successors in office, be, and they are hereby declared to be a body corporate and politic, by the name, style and title of Jackson Division number Nine, Sons of Temperance, and by that name and title they and their successors in office shall be capable of suing and being sued, impleading and being impleaded, in law and equity, in all courts and places whatsoever, in like manner and as fully as natural persons, and by said corporate name and style shall be capable in law of contracting and being contracted with, shall have the power of acquiring by purchase, donation or otherwise, real and personal estate, holding and conveying the same in such manner as they may think proper.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved, January 5, 1854.

CHAPTER XIII.

An Act for the Relief of Samuel William Shields.

Section 1. Be it enacted by the Legislature of the State of Texas, That Samuel William Shields, minor heir of John T. Shields, deceased, be and he is hereby authorized to take charge of and manage as though he were twenty-one years of age all his property, personal and real; provided, he shall not have power before attaining to said age, unless by will or testament, to dispose of or convey away any of the land or negroes belonging to his estate otherwise than by petition to and sanction from the County Court in the county of his residence, which court shall be controlled in its action by the limitations and restraints, as to the alienation of property imposed by law for the security of minors.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved, January 17, 1854.

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CHAPTER XIV.

An Act supplementary to an act to establish the Galveston, Houston and Henderson Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be granted to said company eight sections of land, of six hundred and forty acres each, for every mile of railway which shall be actually constructed by them and ready for use, and upon the application of the President of the company or any duly authorized agent thereof, stating that any section of twenty miles or more of said railway has been completed and ready for use, it shall be the duty of the Comptroller of Public Accounts to require the State Engineer, or a Commissioner to be appointed by the Governor, to examine said railway, and upon his certificate that said section or sections of said railway has been completed in a good and substantial manner and ready for use, the Comptroller shall give informa-

tion of that fact to the Commissioner of the General Landoffice, whose duty it shall be to issue to said company land certificates to the amount of eight sections of land, of six hundred and forty acres each, for each and every mile of railway thus completed and ready for use. Such certificates may be located upon any unappropriated public domain of the State of Texas, and upon the return of the field notes of any survey made by virtue of any certificate so issued, it shall be the duty of the Commissioner of the General Landoffice to issue patents to said company in their corporate name. And in all cases where such railway shall pass through any public lands, all such lands to the depth of three miles from the exterior lines of the tract on each side thereof, shall be and hereby are reserved for the State, from and after the time such tract shall be fixed or designated by survey; and the said lands as fast as the road is continued, shall be divided into sections fronting one mile each on the road, which sections shall be numbered and the corners of such sections on the road plainly marked, and of those reserved lands; provided, said lands are designated or selected within ten years from the passage of this act, the company shall have the right by virtue of any of their certificates, issued in accordance with the provisions of this act, to cause to be located, surveyed and patented by virtue of the certificates aforesaid for their use, each alternate sections, such section in each instance embracing a tract of land fronting one mile on said road, and extending back three miles, reserving an equal width, and the remaining sections shall continue the property of the State until disposed of by the State. And that said company shall be required to alienate the lands granted to them by this act in the following manner: one-fourth in six years, and one-fourth in eight years, and one-fourth in ten years, and the remainder in twelve years from the time the same was acquired.

Sec. 2. Said company is also hereby further authorized and empowered to extend said railway from the town of Henderson in Rusk county, by such course and in such direction as the company may deem proper, in order to connect with the Pacific or any other railway east of the Trinity river; and this act shall take effect and be in force from and after its passage.

Passed, January 10, 1854.

CHAPTER XV.

An Act to Incorporate the Howard Association of Galveston.

Whereas, divers residents of the city of Galveston are desirous of being enabled in a corporate capacity to afford relief to the indigent sick and the destitute, and especially so to do during the prevalence of the yellow fever and other epidemics; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That James W. Moore, John P. Schwalon, Henry Jenkins, John T. Holt, Henry Wendt, Christopher H. Pix, James Huckins, William H. Goddard and Frederick Muhr, together with such persons as they may elect as their associates and their successors, be, and are hereby constituted a body corporate, under the name and style of "The Howard Association of Galveston" and by that name and style shall have succession subject to the limits fixed by this act, and be capable in law of suing and being sued, of defending and being defended, of pleading and being impleaded, of having a common seal and the same to make, break or alter at pleasure, to acquire, have and hold estate, real, personal and mixed, and the same to buy, exchange, sell, mortgage, transfer, pledge or otherwise incur or alienate, as said Association may deem expedient, and said Association shall be capable in law of receiving by donation, bequest, devise, or in any manner or form, from any person or persons or body corporate in or out of this State; provided, that the value of real estate held by said Association at any one time, shall not exceed in value the sum of fifty thousand dollars.

Sec. 2. That said Association shall make a constitution and by-laws for its government, and shall have the power to alter or amend the same at pleasure.

Sec. 3. That no individual who may be a member of said Association shall receive any compensation or donation from said Association for his personal services rendered to the same, and that the property of said Association shall be exempt from taxation, and the business of said Association shall be confined to the objects stated in the preamble to this act.

Sec. 4. That this act of incorporation shall be in full force from and after the date of its approval by the Governor, and that unless it be renewed or extended, it shall expire at the end of twenty-five years from and after its date. And that in case of the expiration thereof, all the funds and property of said



Association shall vest in and belong to the corporation of the city of Galveston, and shall be applied to and constitute a part of the hospital fund of said city.

Approved, January 18, 1854.

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## CHAPTER XVI.

### An Act to Incorporate the Mound Prairie Institute.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following persons, to wit: J. A. Lawrence, J. S. Hanks, R. K. Gaston, J. S. Morrow, L. W. Dalton, R. E. Cox, A. McCane, P. O. Lumpkin and John Billups, (Trustees of an institution known as the Mound Prairie Institute, located about eight miles north-east of Palestine, in the county of Anderson, State of Texas,) and their successors in office are hereby declared to be a body corporate, under the name and style of the Board of Trustees of the Mound Prairie Institute, and shall have power to sue and be sued, plead and be impleaded, to have and use a common seal, and to exercise all the powers and enjoy the privileges of similar bodies corporate.

Sec. 2. That the Board of Trustees of Mound Prairie Institute as soon as practicable after the passage of this act, shall enlarge their body to the number of fifteen, and thereafter shall be empowered to fill from time to time all vacancies that may occur in said board by death, removal, resignation or otherwise.

Sec. 3. That the Institution shall be chartered as the Mound Prairie Institute, and is hereby declared to be a "College Proper" for the education of both sexes, and the Board of Trustees and their successors in office shall have full power to establish Professorships, confer degrees, grant diplomas in both male and female departments, and shall have and enjoy all the rights, privileges and immunities of any College or University in this State.

Sec. 4. That the Board of Trustees of Mound Prairie Institute, shall have power to frame a system of by-laws, rules and regulations for the government of said Institute; provided,

they are not contrary to the laws and Constitution of the State of Texas, and alter and amend the same as it may seem most wise unto them from time to time.

Sec. 5. That the Board of Trustees and their successors in office shall have power to establish a system of scholarships upon a basis similar to that of other Institutions of a like character.

Sec. 6. That the Board of Trustees of the Mound Prairie Institute and their successors in office, shall have full power to receive any gifts, grants or donations in lands, monies, goods and chattles, tenements or hereditaments, books, apparatus, fixtures or furniture; provided, it does not exceed two hundred thousand dollars in value, and to hold the same in trust for the sole benefit of the said Mound Prairie Institute.

Sec. 7. That no clause or article of this charter of the Mound Prairie Institute, shall be so construed as to militate against or in any manner to impair or lessen the rights and powers of James R. Malone, A. M., the founder and present President of the said Mound Prairie Institute, acquired by the said Malone by certain articles of agreement, made and entered into between the Board of Trustees herein named, the party of the first part, and the said James R. Malone, the party of the second part, on the twelfth day of February, eighteen hundred and fifty-three.

Sec. 8. That no person shall be allowed to vend any ardent spirits within one mile of said Institute, under the penalty of one hundred dollars for each and every such offense.

Approved, January 9, 1854.

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## CHAPTER XVII.

An Act to amend the third section of An Act Incorporating the Clarksville and Mount Pleasant Turnpike Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the 3d section of an act incorporating the Clarksville and Mount Pleasant Turnpike company, approved February 9, 1852, be so amended as to read as follows:

Sec. 3. That it shall be the duty of said company, within

four years after the passage of this act, to construct good and substantial bridges across the Sulphur Fork of Red River and White Oak and Cuthand's Creek, on the road above designated, and good and substantial bridges across the main sloughs in the bottom between the main bridges and bluffs of said streams, and shall bridge or throw up a turnpike across said bottoms, between said bridges and bluffs on said streams, the whole to be above ordinary overflows, and shall keep said bridges and road when so constructed in a good state of repair during the aforesaid period of thirty years.

Approved, January 18, 1854.

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## CHAPTER XVIII.

An Act for the relief of Larkin Adamson.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Landoffice is hereby authorized and required to patent to George Joy, or his assignee, the land surveyed by virtue of a certificate granted to said Joy by an act of the legislature, approved February 7th, 1853, as other Colonist's land are patented in Peters' Colony.

Approved, January 9, 1854.

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## CHAPTER XIX.

An Act to allow John Douglass Brown, a minor, to transact business as though he were of full age.

Section 1. Be it enacted by the Legislature of the State of Texas, That John Douglass Brown, a minor, be and he is hereby allowed to transact business as though he were of full age.

Sec. 2. That this act take effect from and after its passage.

Approved, January 20, 1854.

CHAPTER XX.

**An Act for the relief of James W. Magoffin and Hugh Stephenson.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Landoffice be, and he is hereby required to issue patents to James W. Magoffin and Hugh Stephenson, for two thousand two hundred and eight acres of land, in accordance with field-notes hereafter to be returned to the General Landoffice by said James W. Magoffin and Hugh Stephenson; provided, that said James W. Magoffin and Hugh Stephenson file or cause to be filed in the General Landoffice, a certified copy of the field-notes of their several surveys, together with the original certificates under which said entries and surveys were made by said Magoffin and Stephenson, previous to the issuance of said patents.

Sec. 2. That this act take effect and be in force from its passage.  
Approved, January 21, 1854.

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CHAPTER XXI.

**An Act to Incorporate New Danville Masonic Female Academy.**

Section 1. Be it enacted by the Legislature of the State of Texas, That Oliver H. Piques, Thomas W. Templeton, John A. Smith, J. N. Pettis, Solon S. Barnett, Benjamin R. Wilson, F. M. Stovall, W. W. Caulder, Elbert Dickson, Henry Tucker, J. C. Haynes and Joseph S. Stuart, and their successors in office be, and they are hereby constituted a body corporate and politic, by the name of the President and Trustees of New Danville Masonic Female Academy, in which name it may sue and be sued, plead and be impleaded, buy and sell property, both real, personal and mixed, hold and enjoy the same; the said institution may have a common seal for the transaction of its business.

Sec. 2. That five of the Trustees shall constitute a quorum to do business, they shall have power to make such by-laws and regulations as they may think necessary for the government of the Institution and its finances; provided, such by-laws and regulations are not inconsistent with this charter and the laws and constitution of the State of Texas; they shall also have power to elect a President of said Institution; it shall require a majority of the Trustees to dismiss or remove the President, and in case of vacancy, to elect a successor.

Sec. 3. The Board of Trustees shall hold their office during good behavior, and in case of death, resignation or other inability to perform the duty of Trustee, they shall have power to fill the vacancy; provided, that if three of the members of the Board be at the time of filling such vacancy members of the same religious denomination or sect, a fourth shall not be selected from the same denomination or sect; provided further, that no member of the Board shall forfeit his right as a Trustee in consequence of any change of religious views or relations; and further provided, that five of said Trustees shall reside within the limits of the corporation.

Sec. 4. That the President of the Academy shall be ex-officio President of the Board of Trustees, and may convene said Board whenever he shall think proper, and in case the President shall fail or refuse to call the Board together at any time upon the application of at least three members of the Board, then and in that case they shall have the right to do so, and elect a president pro tem. to preside.

Sec. 5. That no religious test shall be required of any member of said Board, officer of the Institution or student.

Sec. 6. That all donations and bequests to said Institution shall be good and binding, although the corporate name thereof may not have been properly stated by the person making such bequest or donation.

Sec. 7. That the seal of the corporation, with the attestation of the Secretary and the signature of the President, or in his absence five of said Board, shall be sufficient to authenticate any act of the corporation.

Sec. 8. That said Institution shall not hold more than fifty thousand dollars worth of property, and the funds belonging to or in any wise appertaining to said Academy, shall not be diverted from the object for which the same was donated.

Sec. 9. That it shall not be lawful for any person or persons to vend or sell any ardent spirits or intoxicating drinks by whatever name known or designated, whether the same be

wines, spirituous or mixed liquors, or intoxicating beer, within two miles of said Academy, under the penalty of one hundred dollars for each and every such offence, to be recovered by indictment in the District Court, and on failure to pay such penalty, he or she so offending shall be imprisoned in the county jail twenty days, and all fines so recovered shall be applied to the sole use of said Institution; provided, that nothing in the provisions of this act shall be construed to prevent any druggist or practicing physician from selling fourth-proof brandy, wines or alcohol for medicinal purposes.

Sec. 10. That any person violating the provisions of the preceding section of this act, may, on complaint under oath of any respectable person, be arrested and taken before some Justice of the Peace, and be held to answer in the District Court as in other cases, and that this act take effect from its passage.

Approved, January 25, 1854.

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## CHAPTER XXII.

### An Act to Incorporate the Aranama College.

Section 1. Be it enacted by the Legislature of the State of Texas, That Stephen F. Cocke, Joel T. Case, James Wallis, John M. Cochran, Barton Peck, Prior Lee, Joseph Weisiger, David Murphree, P. R. Fleming, Alexander H. Phillips, William B. Miller, J. A. Robbins, L. L. Williams, W. G. Venable and John Dix, Trustees of Aranama College, situated at Goliad in Goliad county, be, and they are hereby created a body corporate under the name and style of the President and Trustees of Aranama College, and by that name shall have perpetual succession, be capable in law to sue and be sued, to enact by-laws, rules and regulations; to have, hold and enjoy all property of whatever kind that may be granted them, by donation, bequest or otherwise, for the benefit of said institution, to convert said property into money, and disburse the same, to promote the prosperity and interest of said College, to elect a President pro tem. of their own body to preside over the same, to elect a President to preside over said College, and Professors and teachers therefor, and generally to do and per-



form all acts needful and proper for the promotion of the permanency, prosperity and object of said Institution.

Sec. 2. That the President elected to preside over the College shall be *ex-officio* President of the Board of Trustees, and all legal process against the corporation shall be served on the President, and when so served, sixty days before the return thereof, shall be good and effectual in law to bind said corporation. And in case there is no President presiding over said College, such legal process shall be served as aforesaid on the President *pro tem.* of the Board of Trustees with like legal effect.

Sec. 3. That the College shall be under the control and supervision of the Western Presbytery of the Presbyterian Church of Texas, embracing the territory between the Colorado river and the Rio Grande, and said control and supervision may be transferred to a Synod of the Presbyterian Church that may hereafter be formed within said territory, or some portion thereof, including the site of the College at Goliad. It is expressly understood and hereby declared that the founders of said College are attached to that division of the Presbyterian Church known at this day as the Old School Presbyterian Church, and that the Western Presbytery of Texas is a branch of the same division and connected with the Old School General Assembly of the Presbyterian Church in the United States, and that said College is to be under the control and supervision of a Presbytery alike connected with the said division, and can only be transferred to a Synod of a like connection.

Sec. 4. That the Board of Trustees shall hereafter be elected by the Presbytery or Synod, as the case may be, at its fall session, and in the following manner: at the first fall meeting of the Presbytery after the passage of this act, the present Board of Trustees shall be divided into four classes; the first class shall continue in office four years from the date of such division; the second class three years; the third class two years, and the fourth class one year from the date of such division, and annually thereafter, new appointments shall be made to supply the places of those whose term of office has expired. In all cases, however, said terms of office shall not be considered as having expired until new appointments have been made.

Sec. 5. That the Board of Trustees shall annually present to the Presbytery or Synod a written statement, showing the exact condition of the College, as to donations, funds, expenditures, by-laws, rules and regulations adopted by the Trustees,

the number of the professors and teachers, and average number of pupils in attendance during the year. And the Presbytery or Synod may revise the same and make such alterations as to any items in the statement as may seem proper and expedient, and also transmit to the Board of Trustees such instructions for their observance as the prosperity of the College may demand.

Sec. 6. That one-third of the whole number of Trustees appointed shall constitute a quorum to do business, and the Trustees shall have the power of removal co-extensive with power of appointment or election.

Sec. 7. That the Board of Trustees shall have the power to confer degrees in the arts and sciences on the graduates of the College, and on such other persons as they may deem worthy, and to give diplomas thereof, signed by the President and Professors and under the seal of the College.

Sec. 8. That said College shall be purely literary and scientific, and its instruction to be open alike to students of all denominations.

Approved, January 25, 1854.

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## CHAPTER XXIII.

### An Act to amend An Act to Incorporate the Colorado Valley Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the second section of the above named act be so amended as to read as follows: That said company be, and is hereby invested with the right to locate, construct, own and maintain a railway, commencing at any suitable point to be selected by a majority vote of the Stockholders on the bay of Matagorda or Trespalacios Bay, between the half moon reef and Carancuaha Bay; thence running by such course as may be deemed most suitable, to the city of Austin, or to such intermediate point on the Colorado river as may hereafter be determined by said company, with the right of extending said railroad beyond the city of Austin to a suitable point of intersection with the Mississippi and Pacific railroad, in such direction as shall not conflict with any charter now in existence.

Sec. 2. That the seventeenth section of said act be so amended as to read as follows, viz:

Sec. 17. The first meeting of the Commissioners provided for by this act shall be at Matagorda, on or before the first Monday in May next, at which, and all subsequent meetings, said Commissioners as well as the Directors of said company may act in person or by proxy.

Sec. 3. Add to said act the following section:

Sec. 21. That no land certificate shall be issued to said company for any section of said road which shall not be constructed within ten years after the passage of this act.

Sec. 4. That this act shall take effect from its passage.

Approved, January 27, 1854.

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## CHAPTER XXIV.

### An Act for the relief of Sylvester Williams.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Landoffice be, and he is hereby required to issue to Sylvester Williams a certificate for two-thirds of a league and labor of land, to be located, surveyed and patented according to law, and that this act take effect and be in force from and after its passage.

Approved, January 27, 1854.

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## CHAPTER XXV.

An Act amending and supplementary to an act entitled "An Act to Incorporate the Henderson and Burkeville Railroad Company," approved February tenth, eighteen hundred and fifty-two.

Section 1. Be it enacted by the Legislature of the State of Texas, That the second section of an act entitled "an act to

incorporate the Henderson and Burkeville Railroad Company," be, and is hereby amended so as to read as follows, to wit: That the said company is hereby invested with the right to locate, construct, own and maintain a railway commencing on the easterly side of Galveston Bay or west side of Sabine Lake; thence running (not farther west of the Sabine river in latitude thirty-one, than fifty miles,) through the town of Nacogdoches; then through the town of Mount Enterprise to the town of Henderson in the county of Rusk, by such route as said company may deem most advisable.

Sec. 2. That section eleven of said act be, and is hereby amended so as to read as follows, to wit: That said company shall have two years to commence the said railroad from and after the passage of this amendatory act, and shall have completed twenty-five miles thereof within three years.

Sec. 3. That the said company shall have the right to take and hold so much of the public lands not exceeding two hundred feet wide, as the said railway may pass through for the tract thereof, and such additional width as may be absolutely necessary for any depot or other work for the purposes of the railway that the company may deem proper to establish, and in all cases where such railway shall pass through any public lands, all such lands to the depth of three miles from the extension line of the tract on each side thereof, shall be, and hereby are reserved for the State, from and after the time such track shall be fixed or designated by survey, and the said lands as fast as the road is constructed, shall be divided into sections fronting one mile each on the road, which sections shall be numbered and the corners of each section on the road plainly marked. And of these reserved lands the company shall have the right, by virtue of any of their certificates issued in accordance with the provisions of the act to which this is a supplement, to cause to be located, surveyed and patented for their use, each alternate section; such sections in each instance embracing a tract of land fronting one mile on said road and extending back three miles, preserving an equal width, and the remaining sections shall continue the property of the State until disposed of by the Legislature; provided, that the land granted by the act to which this is a supplement, shall be selected and surveyed on or before the expiration of ten years and not thereafter.

Sec. 4. That it shall be lawful for the company to enter upon and purchase or otherwise take and hold any land necessary for the purpose of establishing and constructing said railway,

with all necessary depots and other buildings. And if they shall not be able to obtain said lands by agreement with the owner thereof, they shall pay therefor such compensation as shall be determined in the manner provided by the following section: provided, the land so taken for the road-bed shall not exceed two hundred feet in width, and for depots and other buildings only such further width as shall be needed for such purposes.

Sec. 5. That any person when lands have been taken as aforesaid, without agreement or satisfactory compensation, may apply to the District Court of the county in which said land is situated, for the appointment of, and said court shall thereupon appoint three disinterested free-holders of the county, who shall appoint a time and place to hear the applicant and company, to whom shall be given by said freeholders reasonable notice of said time and place. And said freeholders shall, after being sworn and after due hearing of the parties, determine the amount of compensation, if any, to which the applicant may be entitled, and make return of their award to the next succeeding term of said court, and said award, if not rejected by said court for sufficient cause shown, shall be entered up as the judgment of said court. In determining the question of compensation, said freeholders shall be governed by the actual value of the land at the time it was taken, taking into consideration the benefit or injury done to the other lands and property of the owner by the establishment of said railway, and if the amount of compensation awarded by said freeholders shall not exceed the amount offered by said company to the owner prior to said application to the court, the applicant shall pay the cost of the proceedings, otherwise the company shall pay the same.

Sec. 6. Said company shall have the right to demand and receive such rates and prices for the transportation of freight and passengers as may be established by its rules and regulations, not exceeding fifty cents per hundred pounds for freight for every hundred miles the same may be carried, and five cents per mile for passengers.

Sec. 7. That this act take effect and be in force from and after its passage

Approved, January 27, 1854.

CHAPTER XXVI.

An Act to Incorporate the Columbia, Wharton and Austin Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That John Adriance, John Walker, Stephen S. Perry, Albert C. Horton, Isham Thompson, William T. S. Alexander, M. L. Weems, Sr., Ammon Underwood, S. W. Perkins, C. R. Patton and William G. Hill, be, and they are hereby appointed Commissioners to open books and receive subscriptions of stock on behalf of a company to be entitled "the Columbia Wharton and Austin Railroad Company," with the authority to solicit and receive donations in land and money, or either, for the benefit of such company, and in aid of the construction of said road, and generally to do and perform all the duties necessary or beneficial to the said company, until the same can be regularly organised as is hereinafter provided.

Sec. 2. That the stockholders of said company be, and they are hereby declared a body corporate and politic, under the name and style of "the Columbia, Wharton and Austin Railroad Company," with the capacity in said corporate name to make contracts, to have succession and a common seal, to make by-laws for the regulation and government of said company, to sue and be sued, to grant and receive, and generally to do and perform all such acts and things as may be necessary and proper for, or incident to the fulfillment of its obligations or the maintenance of its rights under this act, and consistent with the constitution of this State; that said company be, and is hereby invested with the right to locate, construct, own and maintain a railroad commencing at the town of Columbia on the Brazos river, and thence running to some convenient point in or near the town of Wharton, on the Colorado river; and thence up the Valley of the Colorado river to the city of Austin, or to some other point on the Colorado river above Wharton where it may terminate by joining some other road running to the city of Austin.

Sec. 3. That the said John Adriance, John Walker, Stephen S. Perry, Albert C. Horton, Ishman Thompson, William T. S. Alexander, M. L. Weems, Sr., Ammon Underwood, S. W. Perkins, C. R. Patton and William G. Hill, or a majority of them, with such persons as they may associate with themselves for this purpose, are hereby appointed Commissioners and invested with the right of forming and organizing said company, until

directors are chosen or appointed by such persons as may subscribe to the stock of said company, when the powers of said Commissioners shall cease, and it shall be the duty of said Commissioners as soon as one hundred thousand dollars shall be subscribed, to order an election for Directors.

Sec. 4. That the capital stock of said company, consisting of all its property, real and personal, franchises and rights to property, not to exceed four millions of dollars, shall be divided into shares of one hundred dollars each, each share entitling the owner thereof to one vote, by himself or proxy, at all meetings of said company, and the shares shall be deemed personal estate, and shall be transferable by any conveyance in writing, recorded by the Treasurer in books kept by him at his office, or in such other manner as the by-laws of the said company shall provide.

Sec. 5. The immediate government and direction of the affairs of said company, shall be vested in a Board of not less than five Directors, who shall elect one of their own number as President of said company. The first Board of Directors shall be elected by the subscribers or Stockholders, the election to be holden at such time and place or places as may be determined by said Commissioners. No person shall be eligible to the office of Director unless he be a subscriber or owner of at least five shares of the capital stock. The Directors shall have power to fill any vacancy in their body arising from non-election or other cause, and may appoint a Secretary, Treasurer and such other officers or agents as they may consider necessary, and prescribe or require bonds for the faithful performance of their duties. They may make all necessary rules and regulations for holding meetings, and do or cause to be done all other lawful things they may deem proper for carrying out the provisions of this charter; they shall keep or cause to be kept, accurate records of all meetings of the Directors and company, and accurate books containing the receipts and expenditures of the company, and all other books necessary to be kept by such company, which shall be open to the inspection of the Stockholders. A majority of the Board of Directors shall have the authority of a full Board, and all conveyances and contracts in writing executed by the President and countersigned by the Secretary or any other officer authorized by the Directors, under seal of the Company and in pursuance of the vote of said Directors, shall be valid and binding.

Sec. 6. That the shares may be disposed of and books opened for subscription thereto in such manner and on such terms

as said Commissioners may determine shall be best for the interest of said company. Said books to be opened before the first day of May, 1854, and any agreement in writing whereby any person shall become a subscriber to the capital stock of said company, may be enforced against him according to its terms, and if any subscriber shall fail to pay any amount due upon shares subscribed for by him, according to the terms of subscription, the Directors may sell at auction and transfer to the purchaser the shares of such delinquent, and if the proceeds of sale shall not be sufficient to pay the amount due on said subscription, with interest and charges, such delinquent shall be held liable to the company for the deficiency, and if the proceeds shall exceed the amount so due with interest and charges, said delinquent shall be entitled to the surplus.

Sec. 7. It shall be lawful for the company to purchase and hold any land that may be necessary for the locating, constructing and maintaining said railroad, with all necessary depots and other buildings, and by their engineers or agents enter upon and take possession of all such lands as may be necessary for the locating, constructing and maintaining said railroad, and if they shall not be able to obtain such lands by agreement with the owner thereof, they shall pay therefor such compensation as shall be determined in the manner provided for in the following section; provided that the land so taken for the roadbed shall not exceed fifty yards in width, and for depots and other buildings, only such other width as may be necessary.

Sec. 8. Any person from whom lands have been taken for the purposes set forth in the preceding section, without agreement or compensation, may apply to the District Court of the county wherein said lands are situated, for the appointment of appraisers by said court, and such court, after proof that the President or authorized officer of the company has been served with a notice describing the land, ten days before holding the court, shall thereupon appoint three disinterested freeholders, citizens of said county, who shall appoint a time and place to hear the applicant and company by its President or authorized agent or officer, and said freeholders shall, after being sworn and after due hearing of the parties, determine the amount of compensation to which the applicant may be entitled, and make return of their award to said court at its next succeeding term, and such award, if not rejected by said court for a sufficient cause, shall be entered up as the judgment of such court. In determining the amount of compensation, said freeholders shall be governed by the actual value of the land at the time it was



taken, taking into consideration the benefit or injury done to other neighboring lands of the owner by the establishment of said road, and if the compensation awarded by said freeholders shall not exceed the amount offered by said company to the owner, prior to his application to the court, the applicant shall pay the costs of the proceedings, otherwise, the company shall pay the same.

Sec. 9. It shall be the duty of said company wherever the State or county road now or hereafter by law established shall be crossed by the track of said railroad, to make and keep in repair good and sufficient causeways at such crossings, and in all cases where any person shall own lands on both sides of said railway and there shall be no other convenient access from one part to the other, such owner shall have the right of passage free of costs at all reasonable times across the track of said railroad.

Sec. 10. Said company may acquire such real estate, by gift or purchase or in payment for stock, as the Commissioners or Directors shall think desirable for the purpose of aiding in the construction or maintenance of said railroad. And said real estate acquired by the company may be alienated or mortgaged by a vote of the majority of the Directors for the constructing or maintaining said railroad; said alienation or mortgage shall be signed by the President of the company and countersigned by the Secretary.

Sec. 11. The said company shall have power to borrow money on their bonds or notes at such rates as the Directors shall deem expedient; provided, that nothing in this act shall be construed to confer banking privileges of any kind.

Sec. 12. This company is hereby required at all reasonable times and for a reasonable compensation, to draw over their road the passengers, merchandize and cars of any other railroad corporation which has been or may hereafter be authorized by the legislature to enter with their railroad and connect with the railroad of this company, and if the respective companies shall be unable to agree upon the compensation aforesaid, it shall be the duty of the President of each company to select each one man, as a Commissioner, and the two Commissioners so selected shall choose a third, in case of disagreement, neither of whom shall be a stockholder in either road or interested therein, and they shall fix the rate, which shall not be changed for one year from the time of going into effect. The said Commissioners shall also fix the stated periods at which said cars are to be drawn as aforesaid, having reference

to the convenience and interests of said corporation and the public who are to be accommodated thereby; the right or power is specially conferred on this company to connect and contract with any railroad company chartered by this State for the performance of like transport. It may also connect and contract with any railroad company heretofore or hereafter chartered, whose road may, for any distance not less than ten miles, be located on the line of this said Columbia, Wharton and Austin company railroad, and in case of disagreement between said companies, the same shall be referred and settled as aforesaid, and be binding for one year as aforesaid.

Sec. 13. If any person shall wilfully injure or obstruct said railroad, such person may be punished when prosecuted by indictment for such offence in due course of law, and shall also be liable to action by said company or any person whatever, who may suffer in person or property from said wilful obstruction, for the amount of damages occasioned thereby.

Sec. 14. There shall be granted said company eight sections of land, of six hundred and forty acres each, for every mile of railroad actually completed by them and ready for use, and upon application of said company or any duly authorized agent thereof, stating that twenty miles or more (to be completed before the donation takes effect) of said railroad have been completed and are ready for use, it shall be the duty of the Comptroller of Public Accounts to require the State Engineer, or a Commissioner to be appointed by the Governor, to examine said railroad, and upon his certificate that said section of said railroad has been completed in a good and substantial manner, and is ready for use, the Comptroller shall give information of that fact to the Commissioner of the General Landoffice, whose duty it shall be to issue to said company land certificates to the amount of eight sections of land, of six hundred and forty acres each, for each and every mile of railroad thus completed and ready for use; such certificates shall be for six hundred and forty acres each, and shall be located upon any unappropriated public domain of the State of Texas, within twelve months from the issuing thereof, which date shall appear on the face of each certificate, and upon the return of the field-notes of any survey made by virtue of any certificate thus issued, it shall be the duty of the Commissioner of the General Landoffice to issue patents to said company in their corporate name, one-fourth of which said lands thus patented, shall be alienated by the company in five years; one-fourth in eight years; one-fourth in ten years, and the remaining one-fourth in

twelve years from the passage of this law, so that the whole of the lands thus patented shall have passed away from the hands of the company within twelve years from the date of the patents thus issued; provided, that no lands shall be donated unless the company shall actually commence their road within one year from the first day of March, 1854, and shall actually complete and finish at least twenty miles of it within two years; and provided further, that patents subsequent to any that may be issued in accordance with the provisions of this section, shall be conditional on that part of the road for which these patents may have been issued, being kept in good repair and running order; and further provided, that nothing in this act shall confer any right to certificates for land, for any portion of said road which shall not be completed within eight years from and after the passage of this act.

Sec. 15. This company shall be subject to the provisions of any general laws, not inconsistent with the terms of its charter, which may be enacted by this State regulating railroad companies.

Sec. 16. If said railroad is not commenced within one year from the first day of March, A. D. 1854, and at least twenty miles are not in running order within two years after its commencement, then this charter shall be rendered by such failures totally null and void.

Sec. 17. That after the completion of the said road from the town of Columbia, on the Brazos river, to some point on the Colorado, at or near the town of Wharton, no section of ten miles or less in length, thereafter, shall be commenced unless a sufficient amount of stock shall be taken to complete said section.

Sec. 18. Each stockholder shall be required to pay into the funds of said company one per cent. of the amount of his subscription at the time he subscribed to capital stock of the corporation.

Sec. 19. This act of incorporation shall expire in fifty years, unless it be renewed or extended.

Sec. 20. The Columbia, Wharton and Austin railroad company may, if by them deemed expedient, after they have completed their road to the city of Austin, continue the same until they shall tap the Mississippi and Pacific Railroad, at some point west of 97 degrees west longitude, and by such route as shall not conflict with any previously granted charter.

Sec. 21. This act shall take effect from and after its passage.  
Approved, January 30, 1854.

CHAPTER XXVII.

An Act authorizing and requiring the Commissioner of the General Landoffice to issue a patent to the Assignee of James O. Rice, for Lot No. 4, in Block 98, in the City of Austin.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Landoffice be, and he is hereby authorized and required to issue a patent to the assignee of James O. Rice, for lot number four, in block ninety-eight, in the city of Austin; and that this act take effect from its passage.

Approved, January 30, 1854.

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CHAPTER XXVIII.

An Act supplementary to An Act to incorporate the Clarksville and Mount Pleasant Turnpike Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That said company shall have the power to collect and receive toll on the bridges across the main streams mentioned in the act to which this is a supplement, not exceeding the following rates. On the bridge across the Sulphur Fork, to-wit: for all carriages and wagons, ten cents per wheel, and five cents per head for the team thereto attached; for man and horse, ten cents; for footmen, five cents; loose horses and mules, five cents; for cattle, hogs and sheep, two and a-half cents; and on the bridges across White Oak and Cuthand's Creek, for all carriages or wagons, five cents per wheel, and two and a-half cents per head for the team thereto attached; ten cents for man and horse; two and a-half cents for loose horses and mules; for cattle, hogs or sheep, two cents per head. This act to go into effect upon the completion of one or all of said bridges across said streams, and to continue in force until said road is made in compliance with the original act, then the rates of toll allowed in the original act shall be in force.

Sec. 2. That if any stockholder of said company should fail to pay to the treasurer of said company any part of his stock

in said company, in accordance with the calls of the Board of said company, after having been notified of such call, it shall be the duty of the treasurer to file a certificate of such refusal or failure in the office of any Justice of the Peace of the county in which the defaulting stockholder may reside, which certificate shall be sufficient evidence to authorize a Justice of the Peace to render judgment for the amount stated to be due in said certificate, upon which judgment execution shall issue as in other cases.

Passed, January 30, 1854.

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#### CHAPTER XXIX.

An Act for the relief of George W. Wright.

Section 1. Be it enacted by the Legislature of the State of Texas, That the accounting officer of the State Treasury Department be required to audit the claim of George W. Wright for the sum of one thousand five hundred dollars, the same being due him by the late Republic of Texas, on account of a contract entered into between the said Wright and H. L. Grush, Quarter-Master of the Texas troops under the command of William G. Cooke, in the year 1841; and that this act take effect from and after its passage.

Approved, January 31, 1854.

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#### CHAPTER XXX.

An Act to relinquish to the inhabitants of Ysleta, in El Paso county, a certain tract of land adjoining the town tract now held and owned by said inhabitants.

Whereas, by a change of the channel of the Rio Grande, in the year eighteen hundred and thirty-one or thirty-two, the citizens of the town of Ysleta were deprived of a large portion of the grant of land made to them by the Government

of Spain, and a portion of the town tract belonging to the inhabitants of Cinecue was left on the east side of the Rio Grande. Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the State of Texas hereby relinquishes to the inhabitants of the town of Ysleta, in the county of El Paso, all the right which is now vested in the State to the tract of land lying on the east side of the Rio Grande, above the town tract of Ysleta, which formerly belonged to the said inhabitants of Cinecue, commencing at the north-west corner of the town tract of Ysleta on the Rio Grande; thence up said river with its meanders to the point where the Rio Grande and the Rio Viejo separate; thence down the east bank of the Rio Viejo, to the south-west corner of survey number twelve, located in the name of T. H. Dugan; thence north with the east line of said survey to where it crosses the northern line of the Cinecue tract; thence east with the north line of the Cinecue tract, to the north-west corner of the Ysleta tract; thence along said line to the place of beginning, supposed to contain about two leagues.

Sec. 2. This act shall not be construed so as to affect any vested right now held to said tract by any person whatever.

Sec. 3. The Commissioner of the General Landoffice is hereby required to issue a patent, in the name of the inhabitants of Ysleta, to the tract of land described in the first section of this act; provided there is no evidence of conflicting claims on record in the General Landoffice.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved, January 31, 1854.

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## CHAPTER XXXI.

An Act authorizing John Mooney to construct a Bridge across the San Marcos River, near the town of Gonzales.

Section 1. Be it enacted by the Legislature of the State of Texas, That John Mooney be, and he is hereby authorized to construct a bridge across the San Marcos river, at, or within one mile of Benjamin Duncan's ferry, on the San Marcos river,

at such point, within one mile of said ferry, on said river, as said Mooney may select.

Sec. 2. That said Mooney shall have the right of way from said bridge, and the privilege of opening a road or roads thirty (30) feet in width, from said bridge when constructed, on both sides of the San Marcos river to the road which is or may hereafter be established, leading from the town of Gonzales to the town of Seguin; provided, that said Mooney pay to the owners of the land through which his roads from the bridge to the Gonzales and Seguin road may pass, such damage as the County Court of Gonzales county may assess.

Sec. 3. That said Mooney shall construct said bridge in a durable and substantial manner, within five years from the date of the passage of this act, and shall keep the same in good repair for all passengers, for the term of twenty-five years from the completion thereof, and be ready at all times to pass all persons, and carriages, and wagons and teams, and stock that may wish to cross on said bridge.

Sec. 4. That said Mooney shall be entitled to receive, for the term of twenty-five years from the completion of the bridge, the following tolls from all persons who may cross or whose carriages, wagons and teams, and stock may cross on said bridge, viz: for a four-horse stage, fifty cents; for a four-horse wagon, loaded, fifty cents; for a six-horse wagon, sixty cents; empty wagon, forty cents; for a loaded wagon, one yoke of oxen, sixty cents; for empty ox wagon, forty cents; for each extra yoke of oxen, ten cents; for a two-horse wagon, loaded, thirty cents; for a two-horse carriage, forty cents; for a one-horse buggy, twenty-five cents; for a loaded cart and one yoke of oxen, thirty cents; empty carts, twenty-five cents; man and horse, ten cents; led or loose horse, five cents; footmen, five cents; for cattle, except oxen, five cents per head; hogs, sheep and goats, one cent per head.

Sec. 5. That no other bridge shall be constructed across the San Marcos river for the term of twenty-five years, within four miles of the bridge which said Mooney may construct. Provided, however, that should it become necessary within said time to construct a railroad bridge across said river, that any railroad company may construct a bridge within said limits, for the passage of railroad cars.

Sec. 6. That after the expiration of twenty-five years from the completion of said bridge by said Mooney, the said bridge and appurtenances shall revert to the county of Gonzales, and

the said county shall thereafter be the sole owner of the bridge; and that this charter shall at all times be subject to alteration or modification by the Legislature.

Sec. 7. That this act take effect and be in force from and after its passage.

Approved, January 31, 1854.

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## CHAPTER XXXII.

### An Act to Incorporate the San Jacinto Bridge Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Zill McCaleb and his associates be, and they are hereby constituted a body corporate; that they may sue and be sued, plead and be impleaded, and that they be known and called the San Jacinto Bridge Company, and under this charter they are hereby authorized to build and construct a bridge over and across the San Jacinto river, at a point known and called McCaleb's boat-yard, in Montgomery county.

Sec. 2. That said bridge shall be built from the hill on the west bank to the hill on the east side of the said San Jacinto river, so as to afford, at all times, a safe and easy passage across said river for all wagons, carriages and traveling vehicles.

Sec. 3. That the said McCaleb and his associates shall be responsible for any accident which may happen to any one so crossing, if it be clearly manifest that such accident was caused from any insufficiency pertaining to the said bridge.

Sec. 4. That a gate-keeper be in constant attendance, so as in no wise to detain any person or persons wishing to cross.

Sec. 5. That the rates of toll shall be regulated by the Commissioners' Court of Montgomery county, and said company shall also be governed in all respects by the laws of this State regulating roads, bridges and ferries.

Sec. 6. That the County Court and Commissioners shall stipulate with and agree at what time the said bridge shall be completed, also as well as at what time this charter shall forfeit by reason of delay in its progress.

Sec. 7. That this charter shall be and remain in full force and effect for the space of twenty-five years, and that this act take effect and be in force from and after its passage.

Approved, January 31, 1854.



## CHAPTER XXXIII.

An Act for the relief of the Heirs and Legal Representatives of Robert W. Smith, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following titles, issued by George Antonio Nixon, Commissioner of David G. Burnett's Colony, to-wit: a grant to Maria Gertrudes Henrigues, for one league; to Maria Sanfrosa Gonzales, for one league; to James Jordan, for one league, and to Robert W. Smith, for one-fourth of a league of land, so far as the locations and survey of said land are concerned, are hereby declared to be as valid as if the same had been located and surveyed in the limits and bounds of said Colony, and the lands embraced by said location, survey and titles, are hereby relinquished and quit-claimed to the grantees of said titles, their heirs and assigns, to the same extent as if said lands had been in the limits of said Colony. Provided, this act shall not be so construed as to affect the rights of any third party; and this act take effect from its passage.

Approved, January 31, 1854.

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CHAPTER XXXIV.

An Act for the relief of Captain Westly Aaskins.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Auditor be, and he is hereby authorized and required to issue a warrant in favor of Captain Westly Aaskins, for six months' service in the Texas army, as Captain, in the Republic of Texas, in the year eighteen hundred and thirty-six; and that this act take effect and be in force from and after its passage.

Approved, February 1, 1854.

## CHAPTER XXXV.

## An Act to Incorporate the Tyler and Dallas Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Alfred Trewit, S. C. Hill, Spearman Holland, James Williams, H. M. Lawson, G. W. Tramel, Sol Lanham, A. A. Thompson, John Dewberry, J. F. Overton, Benjamin L. Goodman, Noel Pace, James Harrison, Wm. C. Red, William B. Miller, Abner Johnson, John S. Bledsoe, M. T. Johnson and H. C. Ashton, Sen., and their associates and successors be, and they are hereby constituted a body politic and corporate, under the name of the Tyler and Dallas Railroad Company, with powers in said corporate name to make contracts, receive donations and subscriptions, to have succession and a common seal, to make by-laws for the regulation and Government of the affairs of said corporation, to sue and be sued, to plead and be impleaded, to grant and receive, and generally to do and perform all such acts as may be necessary and proper to the fulfilment of its rights under this act, and not contrary to the Constitution and laws of this State.

Sec. 2. The said company and their associates and successors shall have, and are hereby invested with power to locate, construct, own and maintain a railroad, commencing at any point on the New Orleans and Texas Railroad, or that said road may connect with the New Orleans and Opelousas Railroad, on the eastern line of Texas, at any point not north of latitude thirty-two degrees north; provided, that said New Orleans and Opelousas Railroad shall form a connection at the same time with the New Orleans and Texas Railroad, at a point on the Sabine, not south of thirty-one degrees twenty minutes north latitude, unless a point further south should be agreed upon between the New Orleans and Opelousas Railroad company and the company of the New Orleans and Texas Railroad; and the more effectually to secure the object of this franchise, the said Commissioners or Board of Directors, as the case may be, are authorized to stipulate and contract with any other branch or trunk railroad company, with a view to connection with the same or the consolidation into one company, to be governed by one Board of Directors, and any alienation of this said charter for such purposes shall carry with it all the grants, immunities and privileges, and donations so confer-

red and ceded by the provisions of said charter, with full authority on the part of the President and Directors of the company into which the same may be merged, to represent this charter in all its acts and proceedings. Provided, that said Commissioners and Board of Directors shall in no wise be permitted to dispose of said charter, except for the purpose of effecting the object and purposes of the Legislature in granting said franchises, and for that consideration alone, thence by the way of Tyler, in Smith county, on the most direct line to Dallas, in Dallas county.

Sec. 3. That the parties named in this act are hereby appointed Commissioners, and invested with the right of forming and organizing said company, and generally of exercising the powers of Directors, until Directors are chosen or appointed by such persons as may subscribe to the stock of said company, when the powers of said Commissioners shall cease.

Sec. 4. That the capital stock of said company, to consist of all its property, real and personal, franchise and rights to property, shall be divided into shares of one hundred dollars each, each share entitling the owner thereof to one vote by himself or proxy, at all meetings of said company. That said shares shall be deemed personal estate, and shall be transferable by any conveyance in writing, recorded by the treasurer in books kept by him at his office, or in such other manner as the by-laws of said company shall provide.

Sec. 5. That the immediate government and direction of the affairs of said company shall be vested in a board of not less than six Directors, who shall elect one of their own number as President of said company. No person shall be eligible to the office of Director unless an owner or subscriber of at least five shares of the stock of said company. The directors shall have the power to fill any vacancy that may occur in said board, from non-election, death or otherwise, and may appoint a Secretary, Treasurer and such other officers and agents as they may consider necessary, and prescribe and require bonds for the faithful performance of their duties; they may, if not otherwise provided by the by-laws, determine the manner of conducting all meetings, the number of members that shall constitute a quorum, and do or cause to be done all other lawful matters and things which they may deem necessary and proper in conducting the matters of the Company; they shall keep or cause to be kept accurate records of all meetings of the Directors and Company, and accurate books of accounts of the receipts and expenditures of the Company, and all other books

necessary and proper to be kept by such Company, which shall be open to the inspection of the stockholders. A majority of the Board of Directors shall have the authority of a full board, and all conveyances and contracts in writing, executed by the President and countersigned by the Secretary, or any officer or person authorized by the Directors, under the seal of the company, and in pursuance of a vote of said Directors, shall be valid and binding.

Sec. 6. That the shares may be disposed of and books opened for subscriptions thereto, in such manner and on such terms as said Commissioners shall determine will be best for the interest of said company; and any agreement in writing, by which any person shall become a subscriber to the capital stock of said Company, may be enforced against him according to its terms. And if any subscriber shall fail to pay any amount due upon shares subscribed by him according to the terms of his subscription, the Directors may sell at auction and transfer to the purchaser the shares of such delinquent, and if the proceeds of sale shall not be sufficient to pay the amount due on said subscription, with interest and charges, such delinquent shall be held liable to the Company for the deficiency; and if the proceeds shall exceed the amount so due, with interest and charges, said delinquent shall be entitled to the surplus.

Sec. 7. That it shall be lawful for the company to enter upon and purchase or otherwise take and hold any land necessary for the purpose of establishing and constructing said railway, with all necessary depots and other buildings; and if they shall not be able to obtain said lands by agreement with the owner thereof, they shall pay therefor such compensation as shall be determined in the manner provided by the following section; provided, that the land so taken for the road-bed shall not exceed one hundred feet in width, and for depots and other buildings, only such further width as shall be needed for such purposes.

Sec. 8. That any person, when land has been taken as aforesaid, without agreement or satisfactory compensation, may apply to the District Court of the county in which said land is situated for the appointment of, and said Court shall thereupon appoint three disinterested freeholders of the county, who shall appoint a time and place to hear the applicant and the company, to whom shall be given by said freeholders reasonable notice of said time and place, and said freeholders shall, after being sworn, and after due hearing of the parties, determine the amount of compensation, if any, to which the applicant

may be entitled, and make return of their award to the next succeeding term of said Court; and said award, if not rejected by said court for sufficient cause then shown, shall be entered up as the judgment of said court. In determining the question of compensation, said freeholders shall be governed by the actual value of the land at the time it was taken, taking into consideration the benefit or injury done to the other lands and property of the owner by the establishment of said railroad, and if the amount of compensation awarded by said freeholders shall not exceed the amount offered by said company to the owner, prior to said application to the court, the applicant shall pay the costs of the proceedings, otherwise the Company shall pay the same.

Sec. 9. That it shall be the duty of said Company, whenever any State or county road, now by law established, shall be crossed by the track of said railway, to make and keep in repair good and sufficient causeways at such crossings; and in all cases where any person shall own lands on both sides of said railway, and there shall be no other convenient access from one part to the other, such owner shall have the right of passage free of cost, at all reasonable times across the track of said railway.

Sec. 10. This company is hereby required, at all reasonable times, and for a reasonable compensation, to draw over their road the passengers, merchandize and cars of any other railroad corporation which has been or hereafter be authorized by the Legislature to enter with their railroad and connect with the railroad of this Company. And if the respective companies shall be unable to agree upon the compensation aforesaid, it shall be the duty of the President of each Company to select each one man as a commissioner, and the two commissioners so selected shall choose a third in case of disagreement, neither of whom shall be a stockholder in either road or interested therein, and they shall fix the rates, which shall not be changed for one year from the time of going into effect. The said commissioners shall also fix the stated periods at which said cars are to be drawn as aforesaid, having reference to the convenience and interests of said corporation and the public who will be accommodated thereby. The right or power is specially conferred on this said company to connect and contract with any railroad company chartered by this State for the performance of like transport, and in case of disagreement between said companies, the same shall be referred and settled as aforesaid, and be binding for one year as aforesaid.

Sec. 11. That said company may acquire real estate by gift or purchase, and that such Commissioners hereinbefore mentioned shall have full authority to solicit and receive subscriptions and conveyances of land to said Company, until the time fixed for the first meeting of said Commissioners, which authority may be then extended by said meeting; which said land so obtained shall be alienated by said Company in the following manner: one-fourth in six years; the one-fourth in eight years; the one-fourth in ten years, and the other fourth in twelve years from the time the same was acquired.

Sec. 12. That if the track of this railway shall cross any navigable stream, it shall do it in such way as not to obstruct its navigation.

Sec. 13. That said company shall have the right to demand and receive such rates and prices for the transportation of passengers and freight as they may think proper to establish, not to exceed five cents per mile for passengers, and fifty cents per hundred pounds for freight for every hundred miles the same may be carried.

Sec. 14. There shall be granted to said company eight sections of land of six hundred and forty acres each, for every mile of railway actually completed by them and ready for use; and upon the application of the President of the Company, or any duly authorized agent thereof, stating that any section of twenty miles or more of said railway has been completed and is ready for use, it shall be the duty of the Comptroller of Public Accounts to require the State Engineer, or a commissioner to be appointed by the Governor, to examine said railway, and upon his certificate that said section of said railway has been completed in a good and substantial manner, and is ready for use, the Comptroller shall give information of that fact to the Commissioner of the General Landoffice, whose duty it shall be to issue to said Company land certificates to the amount of eight sections of land, of six hundred and forty acres each, for each and every mile of railway thus completed and ready for use; such certificates shall be for six hundred and forty acres each, and shall be located upon any unappropriated public domain of the State of Texas, within twelve months from the issuing thereof, which date shall appear upon the face of each certificate; and upon the return of the field notes of any survey made by virtue of any certificate thus issued, it shall be the duty of the Commissioner of the General Landoffice to issue patents to said Company in their corporate name; one-fourth of which said lands thus patented shall be alienated by the

Company in six years; one-fourth in eight years; one-fourth in ten years, and the other fourth in twelve years, so that the whole of the lands thus granted shall pass from the hands of the Company within twelve years from the date of the patents thus issued.

Sec. 15. The first meeting of the Commissioners or Directors appointed by this act, shall be held at Tyler on the first Monday in July next, in which, and all subsequent meetings, said Directors may act in person or by proxy.

Sec. 16. That nothing in this act shall be so construed as to confer any banking privileges whatever.

Sec. 17. That if said railway shall not be commenced within three years from the passage of this act, and at least twenty miles thereof not completed within five years, then this charter shall be null and void. And it is hereby provided and declared that it shall be lawful for any other railway hereafter to be constructed to cross the said railway at any branch thereof, or to connect at any point therewith. Provided, that the provisions of this charter shall exist for the term of ninety-nine years and no longer.

Sec. 18. That this act shall take effect and be in force from and after its passage.

Approved, February 1, 1854.

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#### CHAPTER XXXVI.

An Act to correct the name of a grant, confirmed by the State of Texas to Yreneo Gomez, by a wrong name.

Whereas, by an act of the Legislature of this State, approved on the 10th day of February, A. D. 1852, entitled "An Act to relinquish the right of the State to certain lands therein mentioned," a certain tract of land containing five leagues, described as being No. 5, of the county of Cameron, was confirmed unto Yreneo Gomez by the name of "Borasco," instead of "Las Barrosas," the true name; now, therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the said tract of land, herein mentioned and described as being confirmed unto the said Yreneo Gomez by the name of "Borasco," be, and the same is hereby confirmed

unto the said Yreneo Gomez, and to his heirs and assigns, by the name of "Las Barrozas," and the Commissioner of the General Landoffice is hereby authorized to issue a patent accordingly, upon due survey and field-notes.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved, February 1, 1854.

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## CHAPTER XXXVII.

An Act for the relief of the inhabitants of the town of Ysleta, in the county of El Paso.

Section 1. Be it enacted by the Legislature of the State of Texas, That the grant made to the inhabitants of the town of Ysleta, in the present county of El Paso, in the year seventeen hundred and fifty-one, by the Government of Spain, to the following described tract of land, to-wit: commencing on the Rio Grand, at a point where the established line of division between the towns of Socoro and Ysleta strikes the said river, for the southern boundary, and following said line to a point where it strikes the hills bordering on the east bank of the Rio Viejo, thence running north-west along said hills up the Rio Viejo to the south-east corner of the tract of land known as the Cinecua tract; thence in a south-westerly direction along the line of said Cinecua tract to the Rio Grande; thence down the Rio Grande to the place of beginning, containing one league, twenty-one labors and ninety-one acres, is hereby fully recognized and confirmed.

Sec. 2. That the Commissioner of the General Landoffice be, and he is hereby authorized and required to issue a patent to the inhabitants of said town of Ysleta to the above described tract of land. Provided, that there are no evidences of conflicting claims for said land on record in the General Landoffice.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved, February 1, 1854.



## CHAPTER XXXVIII.

An Act supplemental to "An Act to Incorporate the Tyler and Dallas Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That no land shall be granted to said Company for any portion of their road which shall not be completed and ready for use within ten years from and after the passage of this act; and this act shall take effect and be in force at the same time as the act to which this supplemental.

Approved, February 1, 1854.

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CHAPTER XXXIX.

An Act supplemental to "An Act to establish the New Orleans, Texas and Pacific Railway Company, for the extension of the New Orleans, Algiers and Opelousas Railway through Texas," approved February sixteenth, eighteen hundred and fifty-two.

Section 1. Be it enacted by the Legislature of the State of Texas, That no land shall be granted by the State to said company for any portion of said road which shall not be completed and ready for use within ten years from and after the passage of this act.

Sec. 2. That this act shall have the same force and effect as if it were a part of the act entitled "an act supplementary to an act to establish the New Orleans, Texas and Pacific Railway Company for the extension of the New Orleans, Algiers and Opelousas Railway through Texas," approved February sixteenth, eighteen hundred and fifty-two, and the acceptance by said company of any of the powers, rights or benefits conferred by said last named act shall be an acceptance of this act. And this act shall take effect and be of force at the same time as the said last named act.

Approved, February 2, 1854.

## CHAPTER XL.

An Act supplementary to an act to establish the New Orleans, Texas and Pacific Railway Company, for the extension of the New Orleans, Algiers and Opelousas railway through Texas, approved February sixteenth, eighteen hundred and fifty-two.

Section 1. Whereas, the corporate name of the company created by the act to which this is a supplement does not correspond with the title of said act, and moreover, other companies have been chartered in the same corporate name. Therefore, to avoid confusion that might arise, Be it enacted by the Legislature of the State of Texas, That the first section of the act to which this is a supplement, be changed and re-enacted so as to read as follows, to wit: The subscribers to the stock of the company created by this act, and their associates and successors be and are hereby recognized and confirmed as a body corporate and politic, under the name and title of the New Orleans and Texas Railway company, with the capacity in said corporate name, to make contracts have succession and a common seal, to make by-laws for its government and the regulation of its affairs, to sue and be sued, to plead and be impleaded, to grant and receive and generally to do and perform all such acts and things as may be necessary or proper for or incident to the fulfillment of its obligations or the maintenance of its rights under this act, and consistent with the Constitution of the State.

Sec. 2. That the sixteenth section of the above recited act is hereby repealed, and the following enacted in lieu thereof, to wit: Said company shall use in the construction of their road, iron rails of an improved pattern and weight, and for the purposes of way, are authorized to lay out the road, not exceeding one hundred feet in width on each side, through any lands or waters belonging to the State of Texas, and they may take as much public land as may be necessary for the purpose of depots, cuttings, embankments, turnouts, engine houses, ware houses, water stations, shops and other buildings necessary in the construction and maintaining in complete operation said railway, and for obtaining timber, stone, earth or any other materials necessary for the purposes aforesaid, and the same is hereby donated to said corporation for that sole purpose, and none other; and if not appropriated for the construction of said road within the time herein specified, shall be void.

Sec. 3. That the organization of said company and the election of a board of Directors at San Augustine on the twenty-fifth day of July eighteen hundred and fifty-three, consisting of Travis G. Brooks, Mathew Cartwright, John A. Greer, Eldridge Mallard, John H. Irby, A. J. Coupland and James H. Starr, are hereby confirmed and made legal, and all the rights, powers and immunities which under the act to which this is a supplement, became vested in the company thereby created, under the name and style of "the Texas Western Railroad Company," are hereby continued and confirmed to the company recognized and established by this act. And all subscriptions to the stock of said company and all the rights thereto, accruing under the former corporate name, and all liabilities created by said company under that name and style, shall continue, accrue and attach to the Company under the name and style adopted by this act.

Sec. 4. That the capital stock of the said Company be, and the same is hereby fixed at five million of dollars, and the same shall be divided into two hundred thousand shares of twenty-five dollars each; provided, the President and Directors shall have power to convert said shares into one hundred dollars each.

Sec. 5. The present Board of Directors shall hold office until the first Monday in November, A. D. eight hundred and fifty-four, and the term of each subsequent Board shall be twelve months from the first Monday in November in each year. The regular annual meetings of the stockholders of the company shall take place on the second Monday in October of each year, at which meeting they shall elect the Board of Directors for the ensuing term; and in case of a failure to elect a full board at such annual meetings, subsequent, adjourned or special meetings of the stockholders shall be had to fill such vacancies, and in all cases the Directors in office under previous elections shall continue to act until their successors are qualified. All elections of Directors by the stockholders shall be conducted by three Commissioners, who shall also be stockholders; and all meetings of stockholders for electing Directors or other purposes, shall be previously advertised for three successive weeks in some newspaper published on or near the line of said road.

Sec. 6. That on the written request of Stockholders representing two-thirds of the stock of the company, any Director may be removed, and in such case an election by the Stockholders shall be ordered to fill the vacancy; but when vacancies

occur by death or resignation, the remaining Directors shall elect successors for the unexpired term.

Sec. 7. At all advertised meetings of the Stockholders a majority of all the shares of stock shall be represented, or the meeting shall stand adjourned for one week, but at such adjourned meeting and without further notice, the Stockholders present and represented shall constitute a quorum, and their action shall bind the company as fully as if a majority of shares was represented.

Sec. 8. No share shall entitle a Stockholder to a vote for Director unless he shall have held the same at least three months prior to such election; nor shall a stockholder be eligible to or continue in office as Director, or entitled to vote for Director whilst in default for unpaid instalments; all proxies shall be retained and filed by the Secretary.

Sec. 9. Certificates of stock signed by the President and countersigned by the Secretary shall be given to the Stockholder.

Sec. 10. That the charter of the said New Orleans and Texas Railroad Company shall endure for the term of ninety-nine years, unless said corporation is dissolved by a vote of three-fourths of Stockholders, at a meeting called specially for that purpose, or unless said corporation should fail or be insolvent, and in case of failure or insolvency, the President and Directors of said company shall be created Commissioners to liquidate the affairs of said company, but with powers limited to the collection and payment of the debts of said company, the preservation of its property, and the distribution of its effects to those who may be entitled thereto.

Sec. 11. The Directors of said company shall have power to borrow money upon the credit of the corporation, and issue and dispose of their bonds, on such terms as to interest and time and place of payment, as shall be deemed most advantageous to the company. And for the security of any debt they may contract and the payment of their bonds, they may mortgage the corporate property and franchises of the said company, or convey the same by deed of trust, and may confer on any creditor of the company or holder of their bonds the right to convert the principal due and unpaid into stock of the company, on such terms and under such regulations as the Directors may adopt; provided, that the Directors shall in no case borrow money or issue bonds as aforesaid, for a greater amount than fifty thousand dollars in any one year, unless authorized so

to do by a resolution of the Stockholders representing a majority of the whole stock.

Sec. 12. That said company may acquire real estate by gift or purchase other than that necessary for the way and working of said road, which real estate shall be subject to be alienated in the same periods required for the alienation of the lands granted to the company by the State.

Sec. 13. That said corporation, represented by its said President and Directors, as herein before set forth, and their successors in office, are authorized to make any lawful contract with any other railroad company in relation to the business of said company, and also to make joint stock with any other railway company in this or any adjoining State. And said company shall have full power to connect their road with any line of road from the city of New Orleans, or through this State, at such point on the eastern boundary of this State, within the defined limits of this charter, as the surveys of the track or route of the same may indicate as the most eligible; and to form one Board of Directors for the running, management of said railroad in the States through which the same shall pass; such agreement shall form a part of their respective charters, whenever the same may be entered into and recorded, together with their respective charters. The said corporation shall also have full power to make such contract, either by purchase or sale, as they may deem proper, with the Board of Directors of any chartered railway company in this State or Louisiana, for uniting their respective roads, or for any other purpose that may by them be deemed necessary to insure, facilitate and carry out the objects and purposes of this charter, so that their respective roads may form one continuous line of railway, governed by one direction from the eastern to its western terminus in this State, or to such intermediate point as the same may be constructed to; and any contract, covenant or agreement as aforesaid authorized, shall vest in the company so acquiring all the chartered privileges, immunities, grants and donations of the charter so consolidated and disposed of, subject to all the corresponding duties and obligations imposed by the said charter, or by the general laws of the State applicable thereto.

Sec. 14. That this act take effect from and after its passage.

Approved, February 2, 1854.

CHAPTER XLI.

An Act to Incorporate the Jefferson Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That John Speak, D. N. Alley, Hiram Tomlin, W. C. Baker, William Brooks, J. M. Murphy, W. B. Aikin, E. G. Rogers, S. J. Pounds, W. C. Batte, Orin Conner, and their associates and successors be, and are hereby created a body politic and corporate, under the name and style of the Jefferson Railroad Company, with the capacity in said corporate name to make contracts, to have succession and a common seal, to make by-laws for its government and the regulation of its affairs, to sue and be sued, to plead and be impleaded, to grant and receive, and generally to do and perform all such acts and things as may be necessary or proper for or incident to the fulfillment of its obligations or the maintenance of its rights under this act and consistent with the Constitution of the State.

Sec. 2. That the said company be, and is hereby invested with the right to locate, construct, own and maintain a railway, commencing at the town of Jefferson, in Cass county, and running so as to connect with the Mississippi and Pacific Railroad, or Vicksburg and El Paso Railroad at some suitable point.

Sec. 3. The parties named in this act are hereby appointed Commissioners, and invested with the right of forming and organizing said Company, and generally to exercise the powers of Directors, until Directors are chosen or appointed by such persons who may subscribe to the stock of said Company, when the powers of said Commissioners shall cease.

Sec. 4. The capital stock of said Company, to consist of all its property, real and personal, franchises and rights to property, shall be divided into shares of twenty-five dollars each, each share entitling the holder thereof to one vote, by himself or proxy, at all meetings of the Company. That said shares shall be deemed personal estate, and shall be transferable by any conveyance in writing, recorded by the Treasurer in books kept by him at his office, or in such other manner as the by-laws of said Company shall provide.

Sec. 5. The immediate government and direction of the affairs of said Company shall be vested in a Board of not less than ten Directors, who shall elect one of their number as President of said Company. No person shall be eligible to the office of Director unless an owner or subscriber of at least

five shares of the stock of said Company. The Directors shall have the power to fill any vacancy that may occur in said Board, from non-election, death or otherwise, and may appoint a Secretary, Treasurer and such other officers and agents as they may consider necessary, and prescribe and require bonds for the faithful performance of their duties; they may, if not otherwise provided by the by-laws, determine the manner of conducting all meetings, the number of members that shall constitute a quorum, and to do or cause to be done all other lawful matters and things which they may deem necessary and proper in conducting the matters of the Company, they shall keep or cause to be kept accurate records of all meetings of the Directors and Company, and accurate books of accounts of the receipts and expenditures of the Company, and all other books necessary and proper to be kept by such company, which shall be open to the inspection of the stockholders. A majority of the Board of Directors shall have the authority of a full Board, and all conveyances and contracts in writing executed by the President and countersigned by the Secretary, or any other officer or person authorized by the Directors, under the seal of the Company and in pursuance of a vote of said Directors, shall be valid and binding.

Sec. 6. The shares may be disposed of and books opened for subscription thereto, in such manner or on such terms as said Commissioners shall determine will be best for the interest of said Company; and any agreement in writing, by which any person shall become a subscriber to the capital stock of said Company, may be enforced against him according to its terms; and if any subscriber shall fail to pay any amount due upon shares subscribed by him according to the terms of his subscription, the Directors may sell at auction and transfer to the purchaser the shares of such delinquent, and if the proceeds of sale shall not be sufficient to pay the amount due on said subscription, with interest and charges, said delinquent shall be held liable to the Company for the deficiency; and if the proceeds shall exceed the amount so due, with interest and charges, said delinquent shall be entitled to the surplus.

Sec. 7. It shall be lawful for the Company to enter upon and purchase or otherwise take and hold any land necessary for the purpose of establishing and constructing said railway, with all necessary depots and other buildings; and if they shall not be able to obtain such lands by agreement with the owners thereof, they shall pay therefor such compensation as shall be determined in the manner provided by the following section.

Provided, that the land so taken for the road-bed shall not exceed two hundred feet in width, and for depots and other buildings, only such further width as shall be needed for such purpose.

Sec. 8. And any person, when land has been taken as aforesaid, without agreement or satisfactory compensation, may apply to the District Court of the county in which said land is situated, for the appointment of, and said Court shall thereupon appoint three disinterested freeholders of the county, who shall appoint a time and place to hear the applicant and the Company, to whom shall be given by said free holders reasonable notice of said time and place; and said free holders shall, after being sworn and after due hearing of the parties, determine the amount of compensation, if any, to which the applicant may be entitled, and make return of their award to the next succeeding term of said Court, and said award, if not rejected by said Court for sufficient cause then shown, shall be entered up as the judgment of the court. In determining the question of compensation, said free holders shall be governed by the actual value of the land at the time it was taken, taking into consideration the benefit or injury done to the other lands and property of the owner by the establishment of said railway, and if the amount of compensation awarded by said free holders shall not exceed the amount offered by said Company to the owner prior to said application to the Court, the applicant shall pay the costs of the proceedings, otherwise the Company shall pay the same.

Sec. 9. It shall be the duty of said Company, whenever any State or county road, now by law established, shall be crossed by the track of said railway, to make and keep in repair good and sufficient causeways at such crossings, and in all cases where any person shall own lands on both sides of said railway, and there shall be no other sufficient access from one part to the other, such owner shall have the right of passage free of cost, at all reasonable times, across the track of said railway.

Sec. 10. This company is hereby required, at all reasonable times and for a reasonable compensation, to draw over their road the passengers, merchandize and cars of any other railroad corporation, which has been or may hereafter be authorized by the Legislature, to enter with their railroad and connect with the railroad of this Company. And if the respective Companies shall be unable to agree upon the compensation aforesaid, it shall be the duty of the President of each Company to select, each, one man as Commissioner, and the two Commissioners



so selected shall choose a third, in case of disagreement, neither of whom shall be a stockholder in either road or interested therein, and they shall fix the rates, which shall not be changed for one year from the time of going into effect; the said Commissioners shall also fix the stated periods at which said cars are to be drawn as aforesaid, having reference to the convenience and interest of said corporations, and the public who will be accommodated thereby. The right or power is specially conferred on the said Company to connect and contract with any railroad Company chartered by this State, for the performance of like transport, and in case of disagreement between said companies the same shall be referred and settled as aforesaid, and be binding for one year as aforesaid.

Sec. 11. Said Company may acquire real estate by gift or purchase, and that such Commissioners hereinbefore mentioned shall have full authority to solicit and receive subscriptions and conveyances of land to said Company, until the time fixed for the first meeting of said Commissioners, which authority may be then extended by said meeting; which said lands thus obtained shall be alienated by said Company in the following manner: one-fourth in six years; the one-fourth in eight years; the one-fourth in ten years, and the other fourth in twelve years from the time the same was acquired.

Sec. 12. If the track of this road shall cross any navigable stream it shall do it in such a way as not to obstruct its navigation.

Sec. 13. Said Company shall have the right to demand and receive such rates and prices for the transportation of passengers and freight as they may think proper to establish, not to exceed five cents per mile for passengers and fifty cents per hundred pounds for freight for every hundred miles the same may be carried.

Sec. 14. If any person shall wilfully injure or obstruct said railway or its property, such person may be punished, when prosecuted by indictment for said offence in due course of law, and also liable to action by said Company, or any person whatever, who may suffer in person or property from said wilful obstruction, for the amount of damages occasioned thereby.

Sec. 15. There shall be granted to said Company eight sections of land, of six hundred and forty acres each, for every mile of railway actually completed by them and ready for use. And upon the application of the President of the Company or any duly authorized agent thereof, stating that any section of five miles or more of said railroad is completed and is ready for

use, it shall be the duty of the Comptroller of Public Accounts to require the State Engineer, or a Commissioner to be appointed by the Governor, to examine said railway at the expense of said Company, and upon his certificate that said section of said railway has been completed in a good and substantial manner and is ready for use, the Comptroller shall give information of that fact to the Commissioner of the General Landoffice, whose duty it shall be to issue to said Company land certificates to the amount of eight sections of land of six hundred and forty acres each, for each and every mile of railway thus completed and ready for use. Such certificates shall be for six hundred and forty acres each, and shall be located upon any unappropriated public domain of the State of Texas, within twelve months from the issuing thereof, which date shall appear upon the face of each certificate; and upon the return of the field-notes of any survey made by virtue of any certificate thus issued, it shall be the duty of the Commissioner of the General Land Office to issue patents to said Company in their corporate name; one-fourth of which said land thus patented shall be alienated by the Company in six years; one-fourth in eight years; one-fourth in ten years, and the other fourth in twelve years, so that the whole of the land thus granted shall pass from the hands of the Company within twelve years from the date of the patents thus issued. Provided, that no patent shall issue to said Company until the said road shall be finished, and the right to the lands herein granted shall not vest in said Company until said patents shall issue.

Sec. 16. The first meeting of the Directors appointed by this act shall be held at Jefferson, on the first Monday in May next, in which, and in all subsequent meetings, said Directors may act in person or proxy.

Sec. 17. Nothing in this act shall be so construed as to confer banking privileges or powers of any kind whatever.

Sec. 18. If said railway shall not be commenced within three years from the passage of this act, and at least twenty miles, thereof or the entire length, if it should be less than twenty miles, are not completed within five years, then this charter shall be null and void. And it is hereby provided and declared that it shall be lawful for any other railway hereafter to be constructed to cross the said railway or any branch thereof or to connect at any point therewith.

Sec. 19. This charter shall in no event, unless renewed by the Legislature, continue for a longer term than ninety years from the passage of this act, but the same shall expire and

cease to exist at the expiration of that term.

Sec. 20. If the entire length of said road should be less than twenty-five miles, all the rights and privileges of an act entitled "An Act to encourage the construction of Railroads in Texas by donations of land," and "an act supplementary to an act to encourage the construction of railroads in Texas by donations of Land," are hereby granted to said Company, and it shall have the benefits thereof as fully and completely as though its entire length were twenty-five miles. This act shall take effect and be in force from and after its passage.

Approved, February 2, 1854.

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## CHAPTER XLII.

### An Act supplemental to An Act to Incorporate the Jefferson Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That no land shall be granted to said Company for any portion of their road which shall not be completed and ready for use within ten years from and after the passage of this act; and this act shall take effect and be in force at the same time as the act to which this is supplemental.

Approved, February 2, 1854

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## CHAPTER XLIII.

### An Act to amend an act to incorporate the city of Brownsville, approved February seventh, A. D. eighteen hundred and fifty-three.

Section 1. Be it enacted by the Legislature of the State of Texas, That the second section of the above recited act is hereby amended so that the same shall hereafter read as follows: That it shall be the duty of the citizens of said corpora-

tion to elect a Mayor and nine Aldermen, who shall form the city Council. The Mayor shall preside, but in case of the absence of the Mayor, the Aldermen present shall appoint one of their body to preside during such absence, and to transact all such business as the Mayor is authorized to do. The Mayor with a majority of said Aldemen shall constitute a quorum for the transaction of business, and in the absence of such Mayor, no less than six Aldermen shall form a quorum for the transaction of business.

Sec. 2. That the third section of the above recited act is hereby amended so that the same shall hereafter read as follows: That whenever any order, resolution, by-law or ordinance be passed by the Council and is not approved of by the Mayor, or the Alderman acting as Mayor in his absence, it shall be inoperative, unless the same shall be passed by a majority of the whole number of Aldermen, taken by yeas and nays and recorded upon the journal of proceedings.

Sec. 3. That the fourth section of the above recited act is hereby amended so that the same shall hereafter read as follows: The city Council shall have power to appoint a Secretary, Treasurer, Marshal, Assessor and Collector of taxes, and a city Surveyor. The Treasurer, Marshal and Assessor and Collector of taxes shall severally give bond to the Mayor of said city for the use of said city of Brownsville, in such sum as the city Council shall determine, which bonds shall be for the faithful performance of their respective duties, as they shall from time to time be defined by said Council. And if either said Treasurer, Marshal and Assessor and Collector of taxes, shall refuse or neglect to give such bond with securities, such as said Council may approve, within the time required by said Council, the Council may declare the office vacant and proceed to appoint another or others until the office is filled. It shall be the duty of the Marshal to attend upon the Council, to execute all lawful process directed to him by the Mayor, and also to do and perform such other duties as may be assigned to him by said Council.

Sec. 4. That the fifth section of the above recited act is hereby amended so that the same shall hereafter read as follows: The city Council shall have full power to make and pass such by-laws or ordinances and resolutions as they shall deem necessary to maintain the cleanliness and salubrity of said city, to insure the safety and convenience of passing in the streets, side walks and public ways, to prevent encroachment upon the public grounds, works or city property, to order and determine the construction and repairing of the side walks at

the cost of the proprietors or claimants of the lots in front of which the improvements are to be made, to regulate the grading of the streets at the cost of the lot or property benefited thereby, the cost of which improvements of side walks and grading of streets shall be a lien upon such property so improved, and which property, if said liens with costs of notice be not paid within ten days after notice to the claimants or occupants, may be sold by the Marshal of said city, under an order of sale issued by the Mayor; which sale shall be made at the City Hall for the shortest period of time for which the bidder will take the same and pay the lien together with all costs of such sale, to organize and regulate a fire department for extinguishing and preventing conflagrations, to prevent the storage of powder within the limits of said city; to establish a system of police for the maintenance of public order and tranquility, to permit theatres, shows or other amusements under such regulations and restrictions as they may direct, to establish a Hospital, to establish one or more market places, and to regulate the same, to take charge and superintendence of all streets, roads, alleys and ways, to appoint the necessary Overseers for the same and to enforce labor thereupon in the same manner as such authority is now exercised by law by the County Court, to enact all ordinances, to carry this act into effect and to fix such penalties by fine and imprisonment or by fine with imprisonment until such fine and costs of prosecution and collection be paid, as they may determine. Such imprisonment not to exceed thirty days and such fines not to exceed two hundred dollars, to appoint all subordinate officers necessary, to grant licenses to all billiard tables, coffee houses, groceries or any place of amusement in said city, and to determine the amount to be paid for such licenses, to have and exercise the power of laying, levying and collecting taxes upon all subjects of taxation within the corporate limits upon which a tax may be levied by the State or county; provided, said tax shall not exceed in any one year one-fourth of the amount of the tax levied by the State upon such subjects of taxation, to divide the said city into three wards, so that there may be hereafter three Aldermen elected from each ward, and to remove any subordinate officer from office for neglect of duty or any misconduct in office.

Sec. 5. That the sixth section of the above recited act is hereby amended so that the same shall hereafter read as follows: The Mayor shall have the power and concurrent jurisdiction of a Justice of the Peace over all such civil and criminal matters as may

arise within said corporate limits, and which by existing laws are cognizable before a Justice of the Peace, and in the same manner and with the same power and authority as a Justice of the Peace. He shall have jurisdiction over all penalties for violation of the ordinances of said city, as the same may be ordained from time to time, and to issue a warrant on complaint made before him for the arrest of those who violated the said ordinances or any of them, to adjourn the hearing thereof as in his discretion may be just, to hear and determine the said complaints, to render judgment thereupon for such fine or fine and imprisonment as he may determine, with costs of suit, and to enforce such judgment by execution. And the Mayor shall have power to commit those against whom judgment is rendered for fine and costs to prison until such fine and costs are paid; provided, such imprisonment shall not exceed thirty days. And it shall be the duty of the Mayor in the return of sales of property made by the Marshal for improvements of sidewalks or grading of streets, to execute a deed to the purchaser according to the terms of the sale, which conveyance shall entitle the purchaser to enjoy the said premises and receive any and all rents and have the sole control of said premises, for and during the time specified in such deed. And all causes, civil or criminal, tried before the Mayor under the provisions of this act, and of which Justices of the Peace may now or hereafter have cognizance, shall be conducted in the same manner as is now or may hereafter be provided for by the laws regulating the trial of causes in Justice's Courts in like cases, including the issuance and return of process and trial by jury, and all process issued by the Mayor in such cases may be directed to and served or executed by the City Marshal or the Sheriff or any Constable of Cameron county; and the Mayor may hold a term of court for the trial of such causes on Saturday of each week, and may keep such court open until the business is completed, and he shall be entitled to charge the same fees as are now or may hereafter be allowed to Justices of the Peace for like services.

Sec. 6. This act shall take effect immediately, except as to the office of Marshal, Secretary and Assessor and Collector of taxes, and that as to those offices it shall take effect on the termination of the period for which the present incumbents were elected, or as soon as any vacancy shall occur in any of said offices.

Approved, February 3, 1854.

## CHAPTER XLIV

## An Act for the relief of the Alabama Indians.

Section 1. Be it enacted by the Legislature of the State of Texas, That twelve hundred and eighty acres of vacant and unappropriated land, situated in either Polk or Tyler counties, or both, to be selected by the Chiefs of the Alabama Indians and the Commissioners hereinafter named, be, and the same is hereby set apart for the sole use and benefit of, and as a home for the said tribe of Indians; and that the District Surveyor of the District of Liberty, or his legal deputy, be authorized and required, upon the application of said Commissioners, to survey the same and return the field-notes of such survey, duly authenticated, to the Commissioner of the General Landoffice, who shall thereupon issue a patent to said tribe of Indians for the same, and that said Surveyor and Commissioners shall for such services receive the usual fees of office and no more.

Sec. 2. That should said Chiefs and Commissioners be unable to select a home for said Indians, on vacant and unappropriated land, then and in that case the said Commissioners are hereby authorized to purchase twelve hundred and eighty acres of unimproved land from the owner or owners thereof, situated in either of the aforesaid counties mentioned above, at a price not to exceed two dollars per acre, and shall take from the owner or owners of such land deeds with warranty conveying the same to said tribe of Indians, which deeds of conveyance shall be acknowledged or proven, and admitted to record in the county in which the land or the greater part thereof is situated, before the purchase money or any part thereof shall be paid. And the said Commissioners are authorized to draw upon the Treasury of the State, in favor of the person or persons from whom said land may have been purchased, for a sum not to exceed two thousand five hundred and sixty dollars, the amount of which draft the Treasurer shall pay out of any money in the Treasury not otherwise appropriated.

Sec. 3. That said land shall not be selected or located within four miles of the residence or improvements of any white inhabitant of this State. And that said Indians shall not alien, lease, rent, let, give or otherwise dispose of said land or any part thereof to any person whatsoever. And should the State of Texas hereafter provide a home for said tribe of Indians, and settle them thereon, then the said twelve hundred and eighty acres of land, with its improvements, shall become the property of the State.

Sec. 4. That Samuel Rowe and James Barkly be, and they are hereby appointed Commissioners for the purpose contemplated in this act; and they shall be entitled to a sum not to exceed one hundred dollars for said services; and they shall return to the Treasury Department a certificate, under oath, taken before any officer authorized to administer an oath, the amount of land so purchased for the use of said Indians, and at what price. Should any portion of the land selected by said Chiefs and Commissioners prove to be upon the public domain, and it should not amount to the said twelve hundred and eighty acres, then and in that case the Commissioner of the General Landoffice is hereby authorized and required to issue a patent in the name of said tribe of Indians, for such land as may be vacant, upon the return of the field-notes of said District Surveyor of the amount surveyed of the public domain.

Sec. 5. That this act take effect from and after its passage.

Approved, February 3, 1854.

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#### CHAPTER XLV.

An Act to amend An Act Incorporating the Buffalo Bayou, Brazos and Colorado Railroad Company, approved February the eleventh, eighteen hundred and fifty.

Section 1. Be it enacted by the Legislature of the State of Texas, That the "Buffalo Bayou, Brazos and Colorado Railroad Company" shall be entitled to all the rights, privileges and benefits accruing from any general law or laws that have or may hereafter be passed by this State to encourage the construction of railroads, in the same manner and to the same extent as if the gauge of said road was the same now fixed or which may be hereafter fixed upon by the State.

Approved, February 4, 1854.



## CHAPTER XLVI.

An Act supplemental to "An Act to amend an act to Incorporate the Buffalo Bayou, Brazos and Colorado Railroad Company," passed at the present session of the Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That if the Buffalo Bayou, Brazos and Colorado Railroad Company shall avail themselves of the act to which this is a supplement, or accept any donation of land from the State, they shall not be entitled to receive any such donation from the State under the provisions of this law, or any law that has heretofore been passed for their benefit, for any portion of their road which shall not be completed and ready for use within ten years from and after the passage of this act. Provided, that said Company shall restrict themselves to the following route, viz: to an extension of their existing road to Austin, in the county of Travis, crossing the Brazos river at any point between the town of Richmond, in Fort Bend county, and Hidalgo Falls, in Washington county, and with the right of extending their road from Austin to connect with any road running north of Austin towards the Pacific Ocean. Provided, such connections be made between the ninety-sixth and ninety-eighth parallels of longitude; and provided further, that said Company shall have no right to build branches from their main road.

Sec. 2. This act shall take effect from and after its passage.

Approved, February 4, 1854.

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CHAPTER XLVII.

An Act to Incorporate the McWilliams Turnpike Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Robert McWilliams, William Crawford and such persons as they may associate with them, are hereby incorporated under the name and style of the McWilliams Turnpike Company, and under such name may sue and be sued, and have succession for twenty years from and after the passage of

this act, and they may have the right of holding such real and personal property as may be necessary for carrying out the object of this corporation.

Sec. 2. That it shall be the duty of said company to have good and substantial bridges across the Tenehaw Creek and the Flat Fork of Tenehaw, on the road leading from Shelbyville to Shreveport by Logansport, and within one year from the passage of this act they shall throw up and causeway a turnpike across said bottom wherever the same may be necessary, and do all such other work as may be proper to facilitate the travel through said bottoms.

Sec. 3. That as soon as said company shall have said bridges across said creeks made as aforesaid, and shall have the road through said bottoms made and completed as before described, they shall have the right to erect a toll gate at each creek on said road, at which they may collect and receive toll at the following rates: for each wagon, cart, carriage or other vehicle, ten cents per wheel and five cents for each animal by which it is drawn; for each man and horse, ten cents; for each footman or loose horse, five cents; for cattle per head three cents; for sheep, goats or hogs, two cents, said tolls to be collected at each gate.

Sec. 4. That the privileges of this company shall extend three miles on each side of said road across said creek and bottoms, within which limits no other bridge or turnpike road shall be made, upon which tolls or pikeage shall be collected or received, and any person traveling upon said road or crossing on any of said bridges who shall wilfully pass around said toll gate for the purpose of evading the payment of tolls as levied by this act, shall forfeit and pay to said company five dollars and costs of suit, besides the amount of toll due, to be recovered before any Justice of the Peace in whose jurisdiction such person may be found; provided, that all persons liable and who do work on said road leading from Shelbyville to Logansport, shall cross free of toll.

Sec. 5. That this act take effect and be in force from and after its passage.

Approved, February 4, 1852.

## CHAPTER XLVIII.

## An Act to Incorporate the Galveston Wharf and Cotton Press Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Michael B. Menard, Ebenezer B. Nichols and Henry H. Williams and their associates be, and they are hereby incorporated under the name and style of the Galveston Wharf and Cotton Press Company, and under it may transfer their rights by succession and assignment, and shall be persons in law capable of suing and being sued, plead and be impleaded, in all courts and places whatsoever, and also that they and their successors by the same name and style, shall be in law capable of holding and of conveying any estate, real, personal or mixed, and doing and performing all things which are necessary for the business of said company and not contrary to the Constitution of this State.

Sec. 2. The capital stock of said company shall be not less than one hundred thousand dollars, divided into shares of one hundred dollars each.

Sec. 3. The management of the affairs of said company shall be conducted by a Board of five Directors, each of whom shall own at least ten shares of the capital stock of said company, and three of said Directors shall constitute a quorum to do and perform all the business necessary to the successful operation of said company; a majority of said Directors shall appoint a President from their own number, and fill such vacancies as may from time to time take place from death, resignation or otherwise. The election for Directors shall take place in the city of Galveston, at such time as a majority of Stockholders present at their first meeting may designate, which meeting shall be called by the Chief-Justice of the county of Galveston, by notice in some newspaper published in the City of Galveston for at least five days preceding the day of election, so soon as one thousand shares of the capital stock of said company have been subscribed, and yearly thereafter, and in case of failure to so elect said Directors, the corporation shall not be dissolved for that cause, but the President and Directors for the time being shall continue in office until there be an election; provided, also, that it shall be the duty of said Directors to call a meeting of the Stockholders at an early day to elect the directory so omitted to be done at the regular period.

Sec. 4. Each Stockholder shall have one vote for each share he may own, and may vote in person or by proxy.

Sec. 5. The President and Directors shall have authority to adopt all such rules, regulations and by-laws, as they may consider necessary for the proper management of the business and affairs of said company: provided, that nothing in this act shall affect any right or title vested in the city of Galveston by its charter or any other law.

Approved, February 4, 1854.

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## CHAPTER XLIX.

**An Act to amend an act entitled An Act to Incorporate the Memphis and El Paso and Pacific Railroad Company, approved, February seven, eighteen hundred and fifty-three.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the second section of the above recited act be so amended as to read: That said company is hereby invested with the right to locate, construct, own and maintain a railway commencing in the valley of Red River within the limits of Texas; thence to the Rio Grande, opposite to, or near the town of El Paso, in Mexico; provided, however, that if the Mississippi and Pacific Railroad should not enter the State of Texas near or opposite the town of Fulton, or the White Oak Shoals on Red River, then and in that case the terminus or beginning point shall not be north of Spanish Bluffs on said Red River.

Sec. 2. That section nineteen of said act be so amended as to read: That if said company shall not commence the construction of said road within two years from the first day of October, 1854, and complete at least five miles thereof within one year thereafter, and every year thereafter complete twenty miles, until the same shall be entirely completed, the franchise shall revert to the State; provided, that in all cases where such railroad shall pass through any public lands, all such lands to the depth of three miles from the extension line of the track, on each side thereof, shall be reserved for the State, from and after the time such track shall be designated by survey, recognition or otherwise; the land hereby reserved shall be surveyed

by the company and the alternate sections reserved to the State, as in the Mississippi and Pacific charter, and the said lands as the road is constructed, shall be surveyed in sections of 640 acres each, and the lines (if in the timber) plainly marked. And of these reserved lands the company shall have the right to cause to be located and patented the lands to which they are entitled to by the provisions of the 15th section of the act to which this is amendatory; provided, that nothing in this act shall be so construed as to interfere in any manner with the rights heretofore granted to the Mississippi and Pacific Railroad Company; provided further, however, that should there not be a sufficient amount of vacant lands so reserved to satisfy the claims of said company, they shall have the right to float the residue and locate the same upon any of the unappropriated public domain of the State, subject to location; provided, that said company shall not receive any land for any portion of road built after the expiration of ten years, nor of any sections reserved to the use of the State by the act providing for the construction of the Mississippi and Pacific Railroad; and that this act take effect and be in force from and after its passage.

Approved, February 6, 1854.

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## CHAPTER L.

### An Act to Incorporate the Sabine and Rio Grande Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That John R. Burke, R. C. Doom, Melton McQueen, K. B. De Walt, John D. McLeod, J. C. Smith, John B. Nunn, or a majority of them, their associates and successors be, and they are hereby created, constituted and established a body corporate and politic, under the name and title of the Sabine and Rio Grande Railroad Company, with capacity in said corporate name to make contracts, to have succession and a common seal, to make by-laws for its government and the regulation of its affairs, to sue and be sued, to plead and be impleaded, to grant and receive, and generally to do and perform all such acts and things as may be necessary or proper for or incident to the

fulfillment of its obligations or the maintenance of its rights under this act and consistent with the Constitution of the State.

Sec. 2. Said Company be, and is hereby invested with the right to locate, construct, own and maintain a railway, commencing at a suitable point on the Sabine river, near to the 31° north latitude, and thence running through or near the town of Burkeville, in Newton county, and thence running through the counties of Jasper, Tyler, Polk, Walker, Grimes, Brazos, Burleson and Travis to the city of Austin; thence to the city of San Antonio; thence to some point on the Rio Grande, near Presidio del Rio Grande, between Las Moras and the town of Palafox.

Sec. 3. The capital stock of said Company shall be one million of dollars, divided into shares of twenty five dollars each, which shall be deemed personal property, and may be transferred in such manner and at such places as the by-laws of said Company shall direct, when not herein provided for. Provided, that the capital stock of said Company, or the actual amount at any time subscribed, shall be deemed sufficient for the purposes of this act. It shall be lawful for said Company, from time to time, to increase the said stock by the addition of as many shares as they may deem necessary, for which they may at their option, cause subscriptions to be received in the manner prescribed by them, or they may sell the same for the benefit of said corporation. Provided, further, that said Company may commence the construction of said road, with all the powers and privileges contained in this act, when the sum of one hundred thousand dollars shall have been subscribed, and five per cent. thereon paid to the Treasurer of said Company.

Sec. 4. That the persons named in the first section, or a majority of them, shall open books to receive subscriptions to the capital stock of said Company, at such times and places in this State, and elsewhere, as they, or a majority of them may appoint, and shall give such notice of the time and place of opening said books as they may deem reasonable, and shall receive such subscriptions under such regulations as they may adopt for the purpose, and shall have power to appoint agents for receiving subscriptions. Provided, any vacancy that shall happen in said Board of Commissioners, by death, resignation, neglect or refusal to accept, shall be supplied by the remaining Commissioners.

Sec. 5. That the immediate government and direction of the

affairs of said Company shall be vested in a Board of thirteen Directors, who shall be chosen by the stockholders of said Company out of their own number, in the manner hereinafter provided, and shall hold their office until others are duly elected and qualified to take their places as Directors, and said Directors, seven of whom, the President being one, shall be a quorum for the transaction of business. They shall elect one of their number to be President of said Company; they shall also choose a Secretary and Treasurer, and such other officers as they may deem necessary, and the same to remove at pleasure, and from time to time to fix their compensation; said Company shall keep a journal of their proceedings, in which shall be entered all by-laws, rules and regulations, and all orders for the payment of such allowances as may be made to their officers, contractors, and all others in their employ, which journal shall, from time to time, be read before the Board of Directors, and if found correct, signed by the President. Whenever the President is absent they may elect a President pro tempore, and they shall fill all vacancies that may happen, by death, resignation or a failure to elect, in case of a tie vote, or refusal to act, or in case any one ceases to be qualified to act as Director, or from any cause whatever.

Sec. 6. That the persons authorized by the third section of the act to open the books for subscription to the capital stock, are hereby, after the books of subscription of said Company are close, or when the sum of one hundred thousand dollars shall have been subscribed, to call the first meeting of the stockholders of said Company, in such way and at such time and place as they may appoint, for the choice of Directors of said Company, and they shall hold an election for the Board of Directors in such form and manner as they may prescribe, and grant certificates to those elected. In all meetings of the stockholders of said Company each share shall entitle the holder thereof to one vote, which vote shall be given by said stockholder in person or by proxy, and the annual meetings of the stockholders of said Company for choice of Directors, after the first one shall be holden at such time and place, and upon such notice as the said Company in their by-laws may provide, the vote shall be given by ballot. No share shall confer a right to vote at any election unless the same shall have been held three months previous to the election, except the first election, which shall in that case be held at least one month. But no stockholder shall be permitted to vote whilst in default, or continued in office as Director at any time during such default, nor shall

any proxy be received or voted on unless the same be dated and executed within twelve months next preceding such election or general meeting, and such proxy received and voted upon as aforesaid, shall be retained and filed among the papers of the Company until after the next annual election or general meeting, subject to the examination of any stockholder who may demand it.

Sec. 7. That in case it shall happen that an election of Directors shall not be made on any day appointed by said Company, said Company shall not for that cause be dissolved, but such election may be holden on any other day which shall be appointed by the Directors of said Company.

Sec. 8. That the said Directors shall have full power to make and prescribe and put in force such by-laws, rules and regulations, and the same to alter and amend, as they shall deem needful and proper, touching the disposition and management of the stock, property, estate and effects of said Company, not contrary to this charter or the laws of this State, and of the United States, or of any State assenting to this act, so far as said Railroad may pass through the same, the transfer of shares and the time they shall be held to entitle their owner to vote thereon, the duties and conduct of their officers and servants, touching the election of and meeting of the Directors, and all matters whatsoever, which may appertain to the concerns of said Company. Said Company is hereby authorized to accept and receive donations in land or money or any other property useful to the Company, to purchase, hold and convey such estate as may be necessary and convenient in accomplishing the objects for which this corporation is granted, and may, by their agents, surveyors, engineers and servants, enter upon all lands and tenements through which they may deem it necessary to make said road, and to survey, lay out and construct the same, and to agree and contract for the land or right of way with the owner, through which they may intend to make the said road.

Sec. 9. Certificates of stock shall be given to the stockholders, which certificates shall be signed by the President and countersigned by the Secretary. The stock shall be assignable by transfer on the books of the Company, personally or by agent or attorney, or by the administrator, executor or guardian, the consent of the President and Directors thereto had, but such stock shall be held at all times by the Company for any dues from the holder thereof to the corporation, or for any sums that may become due on contract made prior to such transfer. Provided, no transfer of stock shall be binding on the Com-



pany until regularly entered in their books. Any State, or any citizen, corporation or company of any State or country, may subscribe for and hold stock in said Company, with all the rights and subject to all the liabilities of any other stockholder, and none other.

Sec. 10. The corporation shall have the power to call for such portion of the stock subscribed on each share, in any one year, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days' notice in some newspaper, where said stock is made payable, in which shall be specified the amount demanded on each share, and the time and place of payment. If any stockholder shall neglect or refuse to pay any such requisition within ten days after the time named for such payments, the Corporation may bring suit against such delinquent for the amount due and called for, in any court of competent jurisdiction, and recover the amount due, with ten per cent. damage for such detention, and ten per cent interest from the time due until paid, and if the amount be made on execution, or if such delinquent is out of the State, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatsoever amount that may have been paid thereon. And no such delinquent, before the forfeiture of the stock, shall have any right to vote for Directors, or receive any dividend on his, her or their stock, until the corporation is fully satisfied.

Sec. 11. Said Company are hereby authorized to receive the bonds of any county, incorporate town or city becoming subscribers to the capital stock of said Company, at par, and in lieu of cash, and if any subscriber to stock shall be taxed by virtue of any law or ordinance, for the payment of subscription to stock in said corporation, he shall have the right to reduce the number of his shares, by an amount equal to the tax imposed, under such rules and regulations as the Company may adopt, but that right must be exercised within thirty days from the date of such law or ordinance, after which time it shall not be allowed.

Sec. 12. That whenever, in the construction of said road, it shall be necessary to cross or intersect any established road or highway, it shall be the duty of said President and Directors to so construct said road across such established road or highway as not to impede the passage or transportation of persons or property along the same, or where it shall be necessary to pass through the lands of any individual, it shall also provide for such individual proper wagon or cart ways across

said road or roads from one part of his, her or their land to another; and also when it may be necessary to cross any navigable river or water course, such crossing must be done without the obstruction of the navigation upon such river or water course.

Sec. 13. That it shall be lawful for said corporation to purchase, and place or prescribe the kind of carriages that may be used on said road, whether propelled by steam or other power, for the transportation of passengers, and of all kinds of products, lumber, goods, wares, merchandize or any other kind of property, prescribe the construction of wheels, weight of loads, and all matters and things respecting the use of said road and the conveyance of passengers and property, and for this and other purposes the said corporation may construct said road with turnouts, sidings, gates, bridges, viaducts, culverts, depots, water stations, toll and ware houses, as may be considered necessary and proper for the interest of the corporation and convenience of the public. And the corporation may charge and receive such tolls and freights for the transportation of persons, commodities and carriages on said road, or any part thereof, as shall be for the interest of said Company, and shall have the power to levy and collect the same for the use of said Company, and charge lower or raise the same at pleasure. Provided, the rates of freight shall never exceed fifty cents for one hundred pounds for every hundred miles, and no more than five cents per mile for each and every passenger.

Sec. 14. Semi annual dividends, of so much of the profits as the corporation may deem expedient, shall be made on the first Mondays of December and June of each year, unless the President and Directors decide on different days, and paid to the stockholders as soon thereafter as they can with convenience, and no dividend shall be made to a greater amount than the nett profits, after deduction of all expenses; and the President and Directors may retain such portion of the profits as the contingent fund to meet subsequent expenditures, as they shall deem proper.

Sec. 15. That a regular annual meeting of the stockholders of said Company shall be held at the time and place appointed for the election of Directors of said Company, that they may be called at any time between the annual meetings, by the President and Directors, or by the stockholders owning one-fourth of the whole stock subscribed, upon giving thirty days notice in at least three public newspapers, published in places along the route of said Railroad, of the time and place of holding the

same; and when any such meetings are called by the stockholders, such notice shall specify the particular object of the call, and if, at any such called meeting, a majority (in value,) of the stockholders of said company are not present, in person or by proxy, such meeting shall be adjourned for one week, and the subsequent meeting can act and bind the stockholders of said Company.

Sec. 16. That at the regular annual meeting of the stockholders of said corporation, it shall be the duty of the President and Directors in office the preceding year, to exhibit a clear and succinct statement of the business of the corporation, as also to submit at such meetings, all books and accounts of said Company to the inspection of the stockholders; and also, at all times to the inspection of committees appointed by the stockholders at any of their meetings.

Sec. 17. That every President and Director of said Company, before he acts as such, shall swear or affirm, as the case may be, that he will well and truly perform the duties of said office to the best of his skill and judgment; the said President and Directors shall require a like oath to be administered to the Secretary and Treasurer, and others in their employ, and in addition thereto, bound with security in such amount as they may think advisable, conditioned for the faithful performance of the duties of their several offices.

Sec. 18. That full right and privilege is hereby reserved to the citizens of this State and the State of Louisiana, or any company hereafter incorporated under the authority of either of said States, to connect with the said railroad hereby provided for. **Provided,** said connection shall be made with said road on terms usual in such cases, and that in forming said connection, no injury shall be done to the works of the Company hereby incorporated.

Sec. 19. That said corporation shall in no case, directly or indirectly engage in any kind of trade or deal in merchandize, other than such as may be necessary or proper to carry into effect the objects contemplated by this act. Nor shall said corporation, under any pretext, enter into a banking business, for the purpose of receiving deposits, making discounts, or issuing bills of credit of any kind or description, to pass as a circulating medium.

Sec. 20. The President and Directors shall have power to borrow money upon the credit of the corporation and such security as may be in their possession, to promote the object of this act, on such terms, as to interest and payment, as shall be

deemed most for the interest of the Company, and to issue and dispose of their bonds in denominations of not less than five hundred dollars nor more than one thousand dollars; and for any amount so borrowed, to mortgage their corporate property, and franchises, or to convey the same by deed of trust to secure the payment of any debt contracted by said Company for the purpose aforesaid, and the President and Directors of said corporation may confer on any bona fide holder of any bond issued for money borrowed as aforesaid, the right to convert the principal due or owing thereon into stock of said Company at any time, under such regulations as the Directors of said Company may adopt; said Company shall have power to sell said bonds, either within or without this State, at such rates as in their judgment will best advance the interests of the Company.

Sec. 21. That when said road is located, it shall be the duty of said corporation to cause a plot of the same to be deposited, so far as the said road is in the limits of the State of Texas, in the General Landoffice of the State of Texas. Provided, nothing herein contained shall prevent said corporation from changing the location of said road, if in the progress of the work it should be expedient to do so, for the interest of the corporation and the public, except the crossing of the Sabine river.

Sec. 22. All contracts and engagements authenticated by the President of the Board, shall be binding on the Company, with seal or such other mode of authentication may be used as the Company by its by-laws may direct.

Sec. 23. No person but a bona fide stockholder in his own right of at least twenty-five shares, which he shall have held at least three months previous to his election, (except the first election,) shall be President or a Director of the Company, nor shall any stockholder vote, in person or by proxy, at any general or other election, (except the first,) who shall not have held in his own right the shares on which he offers to vote at least three months.

Sec. 24. Process on said Company shall be served on the President, by leaving a copy to his address at the principal office of the corporation, in the hands of any of its officers. The said corporation shall have power to establish a principal office at such place as they may see fit, and the same to change at their pleasure.

Sec. 25. No members of the Board of Directors, agent, officer or servant of the Company shall be directly or indirectly interested in any contract for work; nor shall any Director

vote on the passing of any bill for materials in which he is directly or indirectly concerned; nor shall any Director, officer, agent or servant of said Company be directly or indirectly interested in the purchase of any lands, buildings or other property, immediately on the line of said railroad, without first having offered to the Board of Directors, in writing, the right of pre-emption to all or any part of said land or buildings or other property, which the said Board may think proper to purchase for the use of the Company, and any Director, officer, agent or servant violating these provisions may be removed from the Board, his office or employment by a vote of the Directors; and any purchase made in violation of this section, shall inure to the benefit of the Company, if the Board of Directors choose to avail themselves thereof.

Sec. 26. There shall be granted to said Company eight sections of land of six hundred and forty acres each, for every mile of railway actually completed by them and ready for use, and upon the application of the President of the Company, or any duly authorized agent thereof, stating that any section of twenty-five miles or more of said railroad is completed and is ready for use, it shall be the duty of the Comptroller of Public Accounts to require the State Engineer, or a Commissioner to be appointed by the Governor, to examine said railway, and upon his certificate that said section of said railway has been completed in a good and substantial manner, and is ready for use, the Comptroller shall give information of that fact to the Commissioner of the General Landoffice, whose duty it shall be to issue to said Company land certificates to the amount of eight sections of land of six hundred and forty acres each, for each and every mile of railway thus completed and ready for use. Such certificates shall be for six hundred and forty acres each, and shall be located upon any unappropriated public domain of the State of Texas, within twelve months from the issuing thereof, which date shall appear upon the face of each certificate; and upon the return of the field-notes of any survey made by virtue of any certificate thus issued, it shall be the duty of the Commissioner of the General Land Office to issue patents to said Company in their corporate name; one-fourth of which said land thus patented shall be alienated by the Company in six years; one-fourth in eight years; one-fourth in ten years, and one-fourth in twelve years, so that the whole of the lands thus granted shall pass from the hands of the Company within twelve years from the date of the patents thus issued.

Sec. 27. That said corporation shall have power and are

hereby fully authorized or empowered, by themselves, their officers or agents, to execute all the powers herein granted, for the purpose of surveying, locating, constructing, completing, altering, maintaining and operating said road, and for transportation upon the same of persons, goods, wares and merchandize, with all such powers and authority of control and management of the affairs of said Company as may be necessary and proper to carry into full and complete effect the meaning and intent of this act.

Sec. 28. That said corporation shall have power, and are hereby fully authorized to accept, through its President and Directors, any supplemental or amendatory act of the Legislature of this State, which may be passed with the view to facilitate the operations of said Company, or for any other purpose.

Sec. 29. If said railway shall not be commenced within five years from the passage of this act, and at least twenty miles thereof are not completed within six years, then this charter shall be null and void.

Sec. 30. That the franchise herein granted shall cease and determine at the end of ninety-nine years, and that said Company shall not be entitled to receive any lands by virtue of this charter, after ten years from and after the passage of this act.

Sec. 31. This act shall take effect and be in force from and after its passage, and shall be deemed and taken to be a public act, and construed liberally for the objects therein set forth, and the regular organization of the Company under the same shall be presumed and considered as power in all courts of justice; and all laws and parts of laws in conflict with this act are hereby repealed.

Approved, February 6, 1854.

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## CHAPTER LI.

An Act to change the name of Louisa Johnson, an infant daughter of William Johnson, of the county of Kaufman, to that of Louisa Boyd.

Section 1. Be it enacted by the Legislature of the State of Texas, That the name of Louisa Johnson, daughter of William

Johnson of the county of Kaufman, be, and the same is hereby changed to that of Louisa Boyd, and that this act take effect so soon as Joel Boyd and his wife Narcissa Boyd, shall file in the office of the Clerk of the County Court where they reside, a statement in writing adopting the said Louisa Johnson as their legal heir, in accordance with an act passed January 16th, 1850, entitled an act to prescribe the mode of adoption.

Approved, February 6, 1854.

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### CHAPTER LII.

An Act to change the name of Frederic Levy to that of William B. Shelton.

Section 1. Be it enacted by the Legislature of the State of Texas, That the name of Frederic Levy, of the county of Grimes, be, and the same is hereby changed to that of William B. Shelton, and that this act take effect so soon as Lewis B. Shelton shall file in the office of the Clerk of the County Court where he resides, a statement in writing, adopting the said Frederick Levy as his legal heir, in accordance with an act passed the 16th January, 1850, entitled an act to prescribe the mode of adoption.

Approved, February 6, 1854.

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### CHAPTER LIII.

An Act to Incorporate the Alma Institute.

Section 1. Be it enacted by the Legislature of the Sate of Texas, That J. C. Finney, L. W. Layton, C. Ballard, A. G. Andrews, A. Turner, S. Bennett, A. W. Hicks and M. B. Bennett and their successors in office, be, and they are hereby constituted a Board of Trustees of a Collegiate Institute, in the town of Hallettsville, Lavaca county, to be known as the Alma Female Institute, by which name they may sue and be

sued, plead and be impleaded, buy, sell and hold property, real, personal and mixed; the said Trustees may have and use a common seal for the transaction of business.

Sec. 2. A majority of the Trustees shall constitute a quorum to transact all the ordinary business of the said Institute; they shall have power to elect their own officers and to make their own by-laws; provided, such by-laws are not inconsistent with the provisions of this charter, or the laws or Constitution of the State of Texas; and further provided, that it shall require the concurrence of two-thirds of said Trustees to elect or remove the President or any one of the Professors.

Sec. 3. The Institute shall have power to confer the usual degrees upon deserving students, and to grant diplomas for the same; provided, that diplomas shall be first signed by a majority of the said Institute.

Sec. 4. The said Trustees shall have the power of fixing the salaries of all officers connected with the Institute, and of filling all vacancies which may occur in their own body.

Sec. 5. No religious test shall ever be required of any President or Professor or Tutor in said Institute, nor shall any student or officer be censured, suspended or expelled on account of his or her political or religious opinions; provided, that the Trustees of said Institute shall not be prohibited from providing for the infliction of suitable punishment for immoral conduct.

Sec. 6. All donations and bequests made to said Institute shall be good and binding, notwithstanding the misnomer of said Institute by the party making the same.

Sec. 7. The said Institute shall not hold real estate exceeding fifty thousand dollars in value, and it shall never be under the control of any particular denomination of christians or religious sect.

Sec. 8. That this act shall take effect from and after its passage.

Approved, February 6, 1854.



## CHAPTER LIV.

## An Act to Incorporate the Dallas Bridge and Causeway Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Alexander Cockrell and such other persons as he may associate with himself, are hereby incorporated under the name and style of the Dallas Bridge and Causeway Company, and under such name, shall sue and be sued, and have succession for thirty years; they may have a corporate seal, and the right of holding property, real and personal, for the purpose of carrying out the object of this incorporation, and may transfer, alienate and dispose of their joint or individual interest therein at pleasure.

Sec. 2. That it shall be the duty of said company within one year from and after the passage of this act, to construct a good, substantial, safe and convenient bridge across the Trinity river, opposite the town of Dallas; and it shall be the duty of said company to keep said bridge in convenient and safe repair during said term of thirty years.

Sec. 3. That it shall be the duty of the County Court of Dallas county, at the request of said company, to appoint three Commissioners, whose duty it shall be to inspect said bridge, and if said Commissioners shall find the same completed in accordance with this act, they shall give said company a certificate of the fact, which shall authorize said company to erect upon said road a toll gate, at which they may collect and receive toll from the traveling public, other than citizens of the county, not exceeding the rates now allowed for ferriage across said Trinity river; and for the citizens of Dallas county, half the rates now allowed for ferriage across said river; provided, that after ten years from the passage of this act, the county court of Dallas county shall be vested with full power to regulate the rates of toll on said bridge and causeway.

Sec. 4. That the Commissioners appointed under this act, shall hold their term of office for one year, and until their successors shall be appointed by the court aforesaid, and it shall be their duty at any time when said bridge is out of order and unfit or inconvenient for travel, to direct said toll gates to be opened and so continue until said bridge is in proper repair, and it shall be the duty of said Commissioners to inspect said bridge at least twice in each year.

Sec. 5. That if any person crossing upon said bridge shall

wilfully pass around said toll gate, for the purpose of evading the toll levied by this act, he shall forfeit and pay to the company five dollars and costs of suit for each and every offence, to be recovered before any Justice of the Peace in whose jurisdiction such person may be found; provided, that nothing in this act shall be so construed as to prevent any person from crossing said Trinity River at any ford or crossing upon said river, other than the one herein established.

Sec. 6. That it shall be the duty of said company, within two years from the passage of this act, to construct a good, substantial, safe and convenient causeway across the bottom of said Trinity river, leading from said bridge to the highland, which shall be constructed by laying split timber across the road, pinning them together with cross ties, and then covering them with dirt, which work shall elevate said road two and a half or three feet above the surface of the earth.

Sec. 7. That so soon as said company shall have surveyed and located the route through said bottom for said road to run, it shall be the duty of the County Court of Dallas county, at the request of said company, to appoint a committee of five disinterested persons, who shall upon oath assess the value of the land proposed to be occupied by said company for said road, and in so doing they shall ascertain the real value without regard to any ferry road or bridge privilege, held, claimed or owned by this or any other grant, which sum or sums shall alone be subject to the demands of any claimant of said land of said company.

Sec. 8. That it shall be the duty of said Commissioners, (if the causeway shall be completed within the time prescribed by this charter,) at the request of said company, to inspect the same, and if they find it finished after the manner directed by this charter, their certificate of the fact shall authorize said company to levy and collect a toll for said causeway from all persons other than the citizens of Dallas county, at not exceeding the following rates: for each waggon, carriage, cart or other vehicle, per wheel, twenty cents, and five cents per head for each animal by which it is drawn; for each animal and rider, ten cents; for each footman, five cents; for each loose horse, mare, mule, jack, jennett and head of cattle, five cents; for sheep, goats and hogs, two cents per head; and for all citizens of Dallas county crossing said causeway, one half of the above rates, except for footman, which shall be five cents; provided, that nothing in this act shall be so construed as to compel any person to travel on said causeway.

Sec. 9. That it shall not be lawful for any person to establish a ferry, or for said county court to establish any bridge or public highway across said Trinity river within two miles of the bridge of said company at Dallas.

Sec. 10. That this act take effect and be in force from and after its passage.

Approved, February 8, 1854.

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## CHAPTER LV.

### An Act to Incorporate the Gilmer and Sulphur Springs Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That L. P. Alford, M. Anderson, Joseph Mason, A. H. Abney, B. J. Terry and Thomas D. Brooks, their associates and successors be, and they are hereby created and established a body corporate and public, under the name and title of the Gilmer and Sulphur Springs Railroad Company, with the capacity in said corporate name to make contracts, to have succession and a common seal, to make by-laws for its government and the regulation of its affairs, to sue and be sued, to plead and be impleaded, to grant and receive, and generally to do and perform all such acts and things as may be necessary or proper for, or incident to the fulfillment of its obligations or the maintenance of its rights under this act, and consistent with the Constitution of the State.

Sec. 2. Said company is hereby invested with the right to construct, own and maintain a railroad to commence on the designated line for the Vicksburg and El Paso Railroad, between the town of Marshall, in Harrison county, and the Sabine river, at such point as may be agreed upon by said company, and thence running by such course as said company shall decree and determine to be most practical to the town of Gilmer in Upshur county, and thence running by such course as said company may agree and determine to be most suitable and practicable to the town of Sulphur Springs in Hopkins county.

Sec. 3. That the parties named in this act are hereby appointed Commissioners, and invested with the right of forming and organizing said company, and generally of exercising the

powers of Directors until Directors are chosen and appointed by such persons as may subscribe to the stock of said company, when the powers of said Commissioners shall cease.

Sec. 4. The capital stock of said company, to consist of all its property, real and personal, franchises and right to property, shall be divided into shares of one hundred dollars each, each share entitling the owner thereof to one vote by himself or proxy at all meetings of said company; said shares shall be deemed personal estate, and shall be transferable by any conveyance in writing, recorded by the Treasurer in books kept by said company, shall provide.

Sec. 5. The immediate government and direction of the affairs of said company shall be vested in a Board of not less than six Directors, who shall elect one of their own number as President of said company. No person shall be eligible to the office of Director unless an owner or subscriber of at least five shares of the stock of said company; the Directors shall have power to fill any vacancies that may occur in said Board, and may appoint such officers and agents as they may deem necessary, and prescribe and require bonds for the faithful performance of their duties; they may, if not otherwise provided for by the by-laws, determine the manner of conducting all meetings, the number of members that shall constitute a quorum to do business, and to do or cause to be done all other lawful matters and things which they may deem necessary and proper in conducting the affairs of the company; they shall keep or cause to be kept, accurate records of all meetings of the Directors and company, and accurate books of accounts of the receipts and expenditures of the company, and all other books necessary and proper to be kept by such company, which shall be open to the inspection of the Stockholders; a majority of the Board of Directors shall have the authority of a full Board, and all conveyances and contracts in writing, executed by the President and countersigned by the Secretary or any other officer or person authorized by the Directors under the seal of said company, and in pursuance of a vote of said Directors, shall be valid and binding.

Sec. 6. The shares may be disposed of and books opened for subscriptions thereto, in such manner and on such terms as said Commissioners may determine will be for the best interests of said company, and any agreement in writing by which any person shall become a subscriber to the capital stock of said company, may be enforced against him according to its terms, and if any subscriber shall fail to pay any amount due upon

shares subscribed by him according to the terms of his subscription, the Directors may sell at auction and transfer to the purchaser the shares of such delinquent, and if the proceeds of sale shall not be sufficient to pay the amount due on said subscription, with interest and charges, such delinquent shall be held liable to the company for the deficiency, and if the proceed shall exceed the amount so due, with interest and charges, said delinquent shall be entitled to the surplus.

Sec. 7. It shall be lawful for the company to enter upon and purchase or otherwise take and hold any land necessary for the purpose of establishing and constructing said railroad, with all necessary depots and other buildings, and if they shall not be able to obtain said lands by agreement with the owner thereof, they shall pay therefor such compensation as shall be determined in the manner provided by the following section; provided, that the land so taken for the road-bed shall not exceed two hundred feet in width, and for depots and other buildings only such further width as shall be needed for such purposes.

Sec. 8. And any person, when land has been taken as aforesaid, without agreement or satisfactory compensation, may apply to the District Court of the county in which said land is situated, for the appointment of, and said Court shall thereupon appoint three disinterested freeholders of the county, who shall appoint a time and place to hear the applicant and the Company, to whom shall be given by said free holders reasonable notice of said time and place; and said freeholders shall, after being sworn and after due hearing of the parties, determine the amount of compensation, if any, to which the applicant may be entitled, and make return of their award to the next succeeding term of said Court, and said award, if not rejected by said Court for sufficient cause then shown, shall be entered up as the judgment of said court. In determining the question of compensation, said freeholders shall be governed by the actual value of the land at the time it was taken, taking into consideration the benefit or injury done to the other lands and property of the owner by the establishment of said road, and if the amount of compensation awarded by said freeholders shall not exceed the amount offered by said Company to the owner prior to said application to said Court, the applicant shall pay the costs of the proceedings, otherwise the Company shall pay the same.

Sec. 9. It shall be the duty of said Company, whenever any State or county road, now by law established, shall be crossed by the track of said railroad, to make and keep in repair good

and sufficient causeways at such crossings, and in all cases where any person shall own lands on both sides of said railroad, and there shall be no other convenient access from one part to the other, such owner shall have the right of passage free of cost, at all reasonable times, across the track of said railway.

Sec. 10. This company is hereby required, at all reasonable times and for a reasonable compensation, to draw over their road the passengers, merchandize and cars of any other railroad corporation, which has been or may hereafter be authorized by the Legislature, to enter with their railroad and connect with the railroad of this Company. And if the respective Companies shall be unable to agree upon the compensation aforesaid, it shall be the duty of the President of each Company to select, each, one man as a Commissioner, and the two Commissioners so selected shall choose a third, in case of disagreement, neither of whom shall be a stockholder in either road or interested therein, and they shall fix the rates, which shall not be changed for one year from the time of going into effect; the said Commissioners shall also fix the stated periods at which said cars are to be drawn as aforesaid, having reference to the convenience and interest of said corporations, and the public who will be accommodated thereby. The right and power is specially conferred on said Company to contract with any railroad Company chartered by this State, for the performance of like transport, and in case of disagreement between said companies, the same shall be referred and settled as aforesaid, and be binding for one year as aforesaid.

Sec. 11. Said Company may acquire real estate by gift or purchase, and that such Commissioners hereinbefore mentioned shall have full authority to solicit and receive subscriptions and conveyances of land to said Company, until the time fixed for the first meeting of said Commissioners, which authority may be then extended by said meeting; which said lands thus obtained shall be alienated by said Company in the following manner: one-fourth in six years; the one-fourth in eight years; the one-fourth in ten years, the one-fourth in twelve years from the time the same shall be acquired.

Sec. 12. Said Company shall have the right to demand and receive such rates and prices for the transportation of passengers and freight as they may think proper to establish, not to exceed five cents per mile for passengers and fifty cents per hundred pounds for freight for every hundred miles the same may be carried.

Sec. 13. If any person shall wilfully injure or obstruct said

railway or its property, such person may be punished, when prosecuted by indictment for said offence in due course of law, and also liable to action by said Company, or any person whatever, who may suffer in person or property from said wilful obstructions, for the amount of damages occasioned thereby.

Sec. 14. There shall be granted to said Company eight sections of land, of six hundred and forty acres each, for every mile of railroad actually completed by said company and ready for use. And upon the application of the President of the Company or any duly authorized agent thereof, stating that any section of five miles or more of said railroad has been completed and is ready for use, it shall be the duty of the Comptroller of Public Accounts to require the State Engineer, or a Commissioner to be appointed by the Governor, to examine said railroad, and upon his certificate that said section of said railroad has been completed in a good and substantial manner, and is ready for use, the Comptroller shall give information of that fact to the Commissioner of the General Landoffice, whose duty it shall be to issue to said company land certificates to the amount of eight sections of land of six hundred and forty acres each, for each and every mile of railroad thus completed and ready for use; such certificates shall be for six hundred and forty acres each, and shall be located upon any unappropriated public domain of the State of Texas, within twelve months from the issuing thereof, which dates shall appear upon the face of each certificate, and upon the return of the field-notes of any survey of any certificate thus issued, it shall be the duty of the Commissioner of the General Landoffice to issue patents to said company in their corporate name; one-fourth of which said lands thus patented shall be alienated by the company in six years; one-fourth in eight years; one-fourth in ten years, and the other fourth in twelve years; so that the whole of the land thus granted shall pass from the hands of the company within twelve years from the date of the patents thus issued.

Sec. 15. Said company shall be required to have a good and sufficient brake upon the hindmost car in all trains transporting passengers and merchandize, and also permanently station there a trusty and skillful brakeman, under a penalty not exceeding one hundred dollars for each offence, to be recovered in any court of competent jurisdiction for the benefit of the State, and said company shall cause to be placed on each locomotive engine passing on their road a bell of at least thirty-five pounds weight, or a steam whistle, and the said bell shall be rung or the whistle blown at the distance of at least eighty rods

from the place of crossing any public highway or turnpike, and kept ringing or blowing until the engine has passed or stopped. Said company shall be required to construct their railroad with good T or U iron rails; provided, that no land shall be donated unless the company shall actually commence their road within five years, and actually complete and finish at least twenty within five years.

Sec. 16. The first meeting of the Commissioners or Directors appointed by this act, shall be held at Gilmer, in Upsur county, on the first Monday in July, one thousand eight hundred and fifty-four, in which, and all subsequent meetings may be held at such time and place as the Directors may think best, said Directors may act in person or by proxy.

Sec. 17. That if said railroad shall not be commenced within five years from the passage of this act, and at least twenty miles thereof completed within six years, then this charter shall be null and void.

Sec. 18. That no land shall be granted after the expiration of ten years after the passage of this act; provided, that nothing in this act shall be so construed as to exempt any company formed under this charter from the operation of any general railroad law heretofore passed; and provided further, that nothing in this act shall be so construed as to affect or interfere with the charter of the Mississippi and Pacific Railroad.

Approved, February 8, 1854.

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## CHAPTER LVI.

### An Act to Incorporate R. B. Thomas' Turnpike Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Ridley B. Thomas, and such persons as he may associate with him, are hereby incorporated under the name and style of Thomas' Turnpike Company, and under such name may sue and be sued and have succession for the term of twenty-five years from and after the passage of this act, and they may have the right of holding such real and personal property as may be necessary for carrying out the object of this incorporation.

Sec. 2. That it shall be the duty of said Company, within six months from the passage of this act, to causeway a turnpike



across the Trinity bottom, opposite the town of Taos, and make the same in a good and substantial manner, and also to build bridges across the sloughs in said bottom; and it shall be the duty of said Company to keep said bridges and turnpike in good repair during the aforesaid period of twenty-five years.

Sec. 3. That so soon as said turnpike and bridges are completed through said bottom, the said Company shall have the right to erect a toll gate or gates on said road, at which they may collect and receive toll at the following rates, to-wit: for each man and horse, twenty-five cents; for each footman, ten cents; for each horse, mule, Jack or Jennett, led or loose, ten cents; for cattle, each, six cents; for sheep, hogs or goats, four cents; for one-horse wagon, twenty-five cents; for two-horse wagon or with one yoke of oxen, forty cents; for four-horse wagon, or drawn by the same number of oxen, eighty cents; for all over that size, one dollar; for pleasure carriages, one dollar, for one year after the toll gate is or may be erected; after that time, the Chief Justice and County Commissioners shall have the power, and it is hereby made their duty to fix the rates of tolls.

Sec. 4. That it shall be the duty of the County Court of Henderson county to appoint two Commissioners, who shall be disinterested and reside near said turnpike, whose duty it shall be to inspect said road and bridges, and if at any time the said Commissioners should deem the same to be out of repair, so as to be unsafe or dangerous to be traveled upon, then, after giving said Company ten days' notice, they shall order said toll gates to be opened, and said Company shall then cease to collect tolls thereat until the same is in repair.

Sec. 5. That the privileges of said Company shall extend for two miles on each side of said road across said Trinity bottom, within which limits no other turnpike road shall be made, upon which tolls or pikeage shall be collected or received. Provided, said privileges shall not interfere with any pre-existing rights; and any person or persons traveling upon said road or crossing on any of said bridges, who shall wilfully pass around said toll gate or gates for the purpose of evading the payment of toll as levied by this act, shall forfeit and pay to said Company five dollars and costs of suit, besides the toll for which they may be subject, to be recovered before any Justice of the Peace in whose jurisdiction such person or persons may be found. Provided, that nothing in this act shall exclude other persons from having like privileges from the Legislature, (should it

hereafter be deemed just and equitable to grant them,) on the road now known as the lower crossing at the town of Taos.

Sec. 6. That this act take effect and be in force from and after its passage.

Approved, February 8, 1854.

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## CHAPTER LVII.

### An Act to Incorporate the Town of Corsicana.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Corsicana be, and they are hereby declared a body corporate, by the name and style of the Corporation of the Town of Corsicana, and by that name may sue and be sued, plead and be impleaded, and may hold and dispose of real and personal estate.

Sec. 2. That the limits of said corporation shall be bounded as follows: On the east by the school league and on the north and south by lines running parallel with the main street, one-fourth of a mile from the court-house, and on the west by a line running three-fourths of a mile west from the court-house.

Sec. 3. That an election for a Mayor and six Aldermen, a Treasurer, Recorder and Constable shall be held as soon as practicable after the passage of this act, by the Chief-Justice or one of the Commissioners of Navarro county, according to the laws governing elections generally, and annually thereafter for a similar purpose, an election shall be conducted by the Mayor or a majority of the Aldermen acting at the time of such election, and the persons elected shall continue in office one year, or until their successors are duly qualified; and the annual election for Mayor, Aldermen, Treasurer, Recorder and Constable shall be held at such place in the town of Corsicana as may be designated by the Board for the convenience of the people.

Sec. 4. That whenever a vacancy shall occur in the office of Mayor, a majority of the Aldermen acting shall order and conduct an election to fill such vacancy, and the person elected shall hold his office until the next regular election or until his successor be duly qualified, and in case of the death, resignation or removal of any of the Aldermen, Treasurer, Recorder or Constable, the Mayor shall order an election under such rules and regulations as may be prescribed by the Board to fill such vacancies.

Sec. 5. That no person shall be eligible to the office of Mayor, Alderman, Treasurer, Recorder or Constable unless such person be a citizen of said town.

Sec. 6. That the Mayor shall be President of the Board of Aldermen; that four of the members of said Board shall constitute a quorum to transact business, and that said Board shall enact such by-laws for the government of said town, not inconsistent with the Constitution and laws of the State, as may be deemed proper, and may impose fines for the disobedience of the same, not exceeding twenty dollars for each offence.

Sec. 7. The Board of Aldermen shall have and exercise control over the public square and streets of said town, and may compel all free male citizens over the age of seventeen years, and under that of forty-five, to work on the same; provided, that such persons shall not be required to work more than six days in any one year, and shall be exempt from other road duty in said county, and the Board may impose such fines on defaulters as they may deem necessary, in which they shall be governed by the laws of this State regulating roads.

Sec. 8. That the Board of Aldermen shall have power to levy a tax on all persons and property, both real and personal in said town, subject to taxation by the laws of the State; provided, the tax on property in any one year shall not exceed one-fourth of one per cent. ad valorem on such property; and no tax shall be levied unless by a vote of two-thirds of the members present, which shall be assessed and collected by the Constable in the same manner as the State tax is collected.

Sec. 9. That the Board of Aldermen shall have power to appoint such additional officers with the regulation of their duties and compensation as may be necessary, and may require of them bond and security to the Mayor, in such sum as may be deemed necessary to compel the efficient discharge of such duties as may be assigned to them.

Sec. 10. That all offences against the by-laws be presented before the Mayor and governed by the law organizing justice's courts; and the Constable shall execute and return all writs issued by the Mayor in the same manner as is provided by the law defining the duties of Constables.

Sec. 11. That the Constable shall give bond and security as required of other Constables, and shall have the same powers, and shall be entitled to the same fees for similar services.

Sec. 12. That the Mayor of said town shall be entitled to such fees as are allowed to Justices of the Peace for similar services.

Sec. 13. That the Aldermen, each, be entitled to twelve dollars annually for their services as such; and the Recorder shall be allowed such sum as may be agreed upon by a majority of the Board of Aldermen; provided, it shall not exceed twenty-five dollars per annum.

Sec. 14. That the Treasurer shall keep safely all the money of said corporation, shall pay out the same upon the order of the Board, and shall do such other duty as may be assigned him by the by-laws, and he shall give bond with security payable to the Mayor in such sum as may be deemed proper, conditioned for the faithful performance of his duties, to be approved by the Board, and shall be allowed such compensation as may be specified by the Board, not to exceed two and one-half per cent. for receiving, and two and one-half per cent. for disbursing the funds.

Sec. 15. That the Mayor be and he is hereby vested with all the power and jurisdiction of a Justice of the Peace, within the limits of said corporation, both civil and criminal.

Sec. 16. That the books and records of the corporation shall at all times be open for the examination of any of the citizens of said town.

Sec. 17. That the Aldermen shall levy a poll tax not to exceed one dollar on every citizen of the corporation, which shall be paid by each citizen before he shall be allowed a vote for officers of the corporation.

Sec. 18. That the Board of Aldermen shall have power to enact all such laws and ordinances that may be for the good of society and for the quiet, peace and happiness of the citizens of said corporation, not inconsistent with the Constitution and laws of the State of Texas.

Sec. 18. That this act take effect from and after its passage.

Approved, February 8, 1854.

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## CHAPTER LVIII.

### An Act to Incorporate the Town of Columbus.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Columbus, in Colorado county be, and they are hereby declared a body politic and corporate, under the name and style of "The Town of Colum-

bus," and by that name may sue and be sued, plead and be impleaded, may hold and dispose of property real and personal, and have a common seal for the transaction of its business.

Sec. 2. That the boundaries and limits of said town, and in which said corporation shall exercise lawful jurisdiction, shall be as follows: beginning on the east bank of the Colorado river; thence due west along the north side of Dewees street, to Rampart street; thence south, along the west side of said street to Wallace street; thence east along the south side of Wallace street to the east side of the Colorado river; thence along the east side of the said river, following the meanders of the same, to the place of beginning, as designated on the map of said town, registered in the County Court Clerk's office of said county, in book H, on page 385, a certified copy or copies of which shall in all cases be prima facie evidence of the boundaries of said town, blocks, lots, squares and streets of the same.

Sec. 3. That there shall be a Council of said town, to consist of a Mayor and six Aldermen, who shall be elected by the qualified electors resident within the corporate jurisdiction of said town. There shall also be elected, at the same time and in the same manner, one Recorder, one Treasurer and one Marshal. That all the officers elected by this act shall, before they enter upon the duties of their respective offices, take and subscribe an oath before any officer authorized to administer oaths, that they will faithfully and impartially discharge the duties of their respective offices, and the Treasurer and Marshal shall also give bond, with two or more good and sufficient sureties, to the Mayor and his successors in office, to be approved by the Council, in such sum as they may require, not exceeding two thousand dollars, conditioned to perform all the duties of their respective offices.

Sec. 4. That an election shall be held at the courthouse in said town, on the first Monday in April of each and every year, for a Mayor, six Aldermen, one Recorder, one Treasurer and one Marshal. That the first election shall be ordered and directed by the Chief-Justice of said county as in general elections; and every subsequent election shall be ordered by the Mayor, who shall have the same power given by the law regulating general elections to the Chief-Justice, so far as the same may be applicable, declare the results and issue certificates of election. When the office of Mayor may be vacant, or he shall be absent from the county, or fail or refuse to perform his duty in this

respect, then any two of the Aldermen may perform the said duty, and if they should fail or refuse from any cause, then the Chief-Justice of the county shall perform the same.

Sec. 5. That all officers elected by virtue of this act shall hold their offices until the next annual election; and when a vacancy may occur in any of the said offices, an election shall forthwith be ordered to fill such vacancy, and the officers so elected shall hold their offices until the next annual election. Provided, all officers elected shall hold their offices until their successors are duly qualified.

Sec. 6. That all free white males over the age of twenty-one years, who have been resident citizens of the town three months next preceding any election, and pay tax to the corporation, shall be entitled to a vote for officers of said corporation.

Sec. 7. No person shall be eligible to the office of Mayor or Alderman unless he is entitled to a vote and owns real estate in said town; the other officers to be citizens and entitled to a vote.

Sec. 8. That the Mayor shall be president of the Council; that the Mayor and three of the Aldermen shall constitute a quorum to do business. That the regular meeting of the Council shall be on the third Mondays in April, July, October and January. Special meetings may be held at such other times as the Mayor may direct in writing signed by him.

Sec. 9. The Council shall have power to enact such rules, ordinances and regulations as they may deem proper for the proper government and improvement of the town, and preservation of good order in the corporate limits. Provided, they shall not conflict with the Constitution and laws of the State. They shall enact rules and by-laws to regulate their own proceedings, and shall have full power to enact and enforce proper police regulations. They shall have and exercise control and supervision over the public squares and streets of the town; regulate paving and cleansing of the same, regulate the markets, remove nuisances, establish the squares, streets and sidewalks of the town, and keep them in order, and for such purposes may appoint such officers as they may deem proper, prescribe their compensation, and remove them at pleasure, and may enact penalties and forfeitures for the infraction or violation of any of the rules and ordinances, regulations or by-laws, not to exceed in any case the sum of one hundred dollars for any one offence; and they may compel all male persons over the age of seventeen years and under forty-five, residents of said town, to work on the squares and streets. Provided, such per-

sons shall not be compelled to work more than six days in any one year, and shall be exempted from all other road duty in said county, and they may impose such fines on defaulters as they may deem proper, not exceeding two dollars for each day's failure, and may allow any person to pay an amount of one dollar per day in lieu of the labor.

Sec. 10. That the Council, at a regular meeting, shall have power to levy a tax on all the real estate within the limits of said corporation subject to taxation by the laws of this State. Provided, the tax of any one year shall not exceed one-fourth of one per cent. ad valorem. That they may levy a poll tax on every free male person resident in said corporation, over the age of twenty-one years and under fifty years, not exceeding one half dollar on each, which taxes shall be assessed and collected by the Marshal, under the same regulations as the State tax is collected, so far as they may be applicable, and paid over to the Treasurer of the town; one copy of the assessment roll be returned to the Council and filed by the Recorder.

Sec. 11. It shall be the duty of the Recorded to enter, in a well-bound book, all the rules, ordinances, regulations and by-laws, and proceedings of the Council, and preserve the same, together with all papers, reports and documents filed with him belonging to the Council, and he shall be entitled to such compensation as the Council may allow him for his services.

Sec. 12. That it shall be the duty of the Marshal to attend the Council in session and preserve order; to execute all writs legally issued to him by the Mayor and Council, and he shall have and exercise the same power as Constables of the county; execute and return said writs in the same manner as provided by law defining the duties of Constables, and he shall be entitled to the fees allowed Constables for similar services.

Sec. 13. That it shall be the duty of the Treasurer to receive and safely keep all the money of the corporation, and shall only pay the same out by order of the Council, evidenced by draft, signed by the Mayor and attested by the Recorder, and he shall make reports to the Council, under oath, of the state of the finances of the corporation, from time to time, as they may order.

Sec. 14. That the Mayor and each Alderman shall be conservators of the peace, and the Mayor shall have the same jurisdiction in criminal cases, misdemeanors and breaches of the peace as is by law vested in Justices of the Peace, and shall be governed by the same laws in such cases.

Sec. 15. All suits for the recovery of fines, penalties and forfeitures for violation of the ordinances, rules and regulations, and by-laws of the city Council, and for the recovery of taxes and other dues to the town, shall be instituted before the Mayor in the name of the "Town of Columbus," who, in their disposition shall be governed by the laws organizing Justices' courts.

Sec. 16. All fines, forfeitures, penalties and demands recovered before the Mayor shall be paid to the Treasurer of the corporation to be applied to the use of the town.

Sec. 17. At the close of each meeting of the Council, the Mayor shall examine the entries of the proceedings of the Council made by the Recorder and approve the same, which shall be considered record evidence in all courts, of the acts and proceedings of the Council.

Sec. 18. The Mayor and Aldermen shall be entitled to such compensation for their services while in session as may be allowed by the Council, not exceeding two dollars per day.

Sec. 19. If, at any meeting of the Council, the office of Mayor be vacant, or he absent, unable or unwilling to attend from any cause, the Aldermen present shall select one of their number to act as Mayor, pro tem. And if the office of Recorder or Marshal be vacant, or he absent, unable or unwilling to attend from any cause, the Council shall appoint a Recorder or Marshal pro tem.

Sec. 20. That the Council, while in session, shall have power to impose fines or imprison for contempt.

Sec. 21. That all property within said town not rendered to the Marshal by the first day of August of each year by the owners for assessment, shall be assessed by the number of lots and blocks, and the tax thereon shall be collected as other taxes in the corporation.

Sec. 22. That it shall be the duty of the Recorder to post up forthwith, on the courthouse door, a copy or copies of all the rules, ordinances and regulations for the government of the town; and that all the books of the corporation shall be open for the inspection of the citizens of the town at any and all times convenient for the same.

Approved, February 8, 1854.



## CHAPTER LIX.

An Act Supplementary to an act entitled An Act to Incorporate the Town of Carthage, in Panola county, approved January 19, 1852.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Mayor of said corporation shall receive a Commission and be qualified as a Justice of the Peace of said county, having jurisdiction only within the corporate limits of said town; he shall be entitled to the same fees as are allowed by law to Justices of the Peace, and to such additional compensation as a majority of the Board of Aldermen may deem proper; he shall hold his courts on the second Saturday in each month; provided, that nothing herein contained shall be so construed as to prevent said Mayor from holding a court at any other time for the trial and punishment of offenders against the by-laws or ordinances of said town.

Sec. 2. That the Constable of said town shall be qualified in every respect as a Constable for said county; he shall have the same jurisdiction and be entitled to the same fees; he shall execute and return all writs directed to him by the Mayor and shall perform all other duties required of him by the corporate Council of said town.

Sec. 3. That the Mayor and Board of Aldermen shall have power to levy a tax on all property, real and personal, within the limits of said corporation, not to exceed one per cent. ad valorem, and may collect the same; they shall have power to levy and collect a license tax upon all tippling-houses, billiard tables, nine or ten-pin alleys, and on all mercantile and grocery establishments of said town; said tax, when collected, shall be applied to the improvement of said town; they shall have power to prescribe the manner of collecting and assessing the taxes due said corporation, and shall have and exercise a general control over the financial affairs, alleys, streets, the public works and buildings within the limits of said town.

Sec. 4. That all free males between the ages of eighteen and forty-five years, and all male slaves between the ages of sixteen and sixty years, shall be liable to work on the streets of said town not more than ten days in each year, and for a failure or refusal so to do when warned in accordance with the laws of the State, they shall be liable to the same penalties prescribed by law for a failure to work on roads; they shall be

exempt from all road duty within the limits of said county of Panola, so long as said corporation shall exist.

Sec. 5. That all laws and parts of laws contrary to this act be, and the same are hereby repealed; and that this act take effect and be in force from and after its passage.

Approved, February 8, 1854.

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CHAPTER LX.

An Act to Incorporate the town of McKinney in the County of Collin.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of McKinney and county of Collin, residing within the limits of the donation made by William Davis for the site of said town, be, and they are hereby declared a body politic and corporate by the name and style of the Corporation of the Town of McKinney, and by that name may sue and be sued, and hold and dispose of real, personal and mixed estate, within the limits of said corporation.

Sec. 2. The corporate limits and jurisdiction of said town shall extend to the limits of the tract of land donated by William Davis to said Collin county, for the purpose of a county site.

Sec. 3. As soon as practicable after the passage of this act, an election for one Mayor, five Aldermen, a Treasurer, a Recorder and Constable of said corporation, shall be ordered by the Chief-Justice of said county, or two County Commissioners of the same, acting in the place of said Chief-Justice, which election shall be conducted as provided by law for other elections, and the persons so elected shall continue in office for one year or until their successors are lawfully qualified, and the annual election for officers of said corporation shall thereafter be held at such place in said town of McKinney, and under such regulations as may be designated by the by-laws of said corporation, not inconsistent with the provisions of this act: provided, that in case no by-laws regulating said elections shall be made by said corporation, then the general law regulating elections shall apply to and govern all elections for officers of said corporation.

Sec. 4. No person shall be eligible as an officer of said corporation, nor vote in the election of the same, unless he resides within the corporate limits of the same.

Sec. 5. The Mayor of said town, upon the return of a certificate of his election, by the proper returning officer, to the Department of State, shall receive a Commission; he shall qualify by taking the constitutional oath of office, and when qualified, shall have power to exercise all the functions of a Justice of the Peace of said county; he shall be President of the Board of Aldermen, and shall enforce all such by-laws or ordinances of said board as may not be contrary to the Constitution or laws of this State. When exercising the jurisdiction of Justice of the Peace, he shall be entitled to the fees of office allowed by law to the same; when exercising other jurisdiction under the by-laws of said corporation, he shall be governed by the rules regulating proceedings in Justice's Courts; he shall hold his courts on the second Saturday in each month, and at such other times as may be prescribed by the ordinances of said corporation, for the trial and punishment of offenders against the same; he shall receive such further compensation for his public services as may be allowed by the by-laws of said corporation.

Sec. 6. The Aldermen of said corporation shall qualify by taking the legal oath of office, and receive such compensation out of the funds of said corporation as may be established by the ordinances of said corporation, not exceeding one-half of the compensation allowed by law to county Commissioners. A majority of said Aldermen shall constitute a Board or Council to transact business, and may enact such by-laws or ordinances, not inconsistent with the Constitution and laws of this State, as may be deemed necessary or proper for the good order and government of the same; and may impose fines, not exceeding twenty dollars, and imprison not exceeding twenty-four hours, for the infraction or disobedience of said by-laws or ordinances; they shall have and exercise jurisdiction over the public square and streets of said town, and may compel all persons liable by law to work on public roads to work on said square or streets, and under the penalties prescribed by law for neglect of the same; provided, that such work on the square or streets of said town shall exempt the persons so serving from all other road service; the Board of Aldermen or Council of said town shall have power to levy a tax on all subjects of State taxation within the limits of the same, not exceeding one-fourth of said State tax.

Sec. 7. The Constable of said corporation shall qualify by taking the constitutional oath of office, and give bond as required by law of other Constables, and he shall have the same

powers, duties and liabilities and be entitled to the same fees of office prescribed by law for other Constables of said county; he shall assess and collect the taxes imposed by the by-laws of said corporation, not otherwise directed by the same, in like manner as the State tax is assessed and collected; he shall execute and return as required by law, all writs or process legally issued by the Mayor of said corporation to him directed; he shall attend upon the Board of Aldermen and Council of said town when in session, and execute the lawful orders, and receive such compensation for his public services as said Board may establish; when a proper certificate of his election shall be returned to the Department of State by the proper returning officer, he shall receive a commission in like manner as other Constables, and he may be required by the ordinances of said town to give bond in such sum as may be deemed sufficient to secure the faithful performance of his duties as collector.

Sec. 8. The Treasurer of said corporation shall qualify by taking the constitutional oath of office, and give such bond as the by-laws of said town may require, and he shall receive and disburse the funds of said corporation under the by-laws or orders of the same.

Sec. 9. The Recorder of said corporation shall qualify by taking the constitutional oath of office, and he shall act as Clerk of the Board of Aldermen or Council of the same under their lawful orders.

Sec. 10. In all cases where said corporation shall be a party to a suit, service of process on its Mayor or on its Council when in session, shall be sufficient service, and the Mayor representing said corporation in a suit or suits, may do all such legal acts as an individual is permitted or required to do.

Sec. 11. The by-laws or ordinances of said corporation shall be posted up or published in such manner as may be prescribed, so as to give full notice thereof to all citizens of said town; and that this act shall take effect from and after its passage.

Approved, February 9, 1854.

## CHAPTER LXI.

An Act authorizing and requiring the Auditor and Comptroller to Audit the claim of Jackson McFarland and James McFarland.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Auditor and Comptroller be, and are hereby required to audit the claim of Jackson McFarland, for three months' service as First Lieutenant of Captain Lyday's late company of Rangers, and also to audit the claim of James McFarland as a private for three months' service in said company.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved, February 8, 1854.

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CHAPTER LXII.

An Act to authorize the Buffalo Bayou, Brazos and Colorado Railroad Company to assign Land Certificates.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Buffalo Bayou, Brazos and Colorado Railroad Company may assign any land certificates lawfully issued to them in pursuance of an act of the Legislature, and the same may be made by any instrument in writing, under their corporate seal and signed by their President or other authorized agent. And the assignee shall have the same rights and be governed by the same provisions as said company, in respect to the location of said certificates, and may have the patent or patents issued under said certificates made to him in his own name, and the title of the assignee shall thereupon be absolute. Provided, that any assignment made by said company to any party, with any trust reserved to said company, either expressly or impliedly, shall be invalid.

Sec. 2. That this act shall take effect from and after its passage.

Approved, February 9, 1854.

CHAPTER LXIII.

An Act to Incorporate the McKenzie Institute, in Red River county.

Section 1. Be it enacted by the Legislature of the State of Texas, That John W. P. McKenzie, Smith Ragsdale, William H. Boyd, George W. Wright, William Houeth, James W. Sims, P. B. Bailey, Amos Morrill and Aiken A. Ross be, and they are hereby constituted a body corporate and politic, under the name and style of the "Trustees of the McKenzie Institute," capable of suing and being sued, of pleading and being impleaded, of holding and owning property, either real, personal or mixed, of selling and conveying the same at pleasure, of having a common seal, and of changing the same at pleasure, and of doing and performing whatever else may be proper and necessary to be done for the advancement of said institution, not contrary to the Constitution and laws of this State.

Sec. 2. That this charter and privilege shall extend to the said Trustees and their successors in office, so long as they confine the benefit of the same to the advancement of the sciences and the promotion of useful knowledge to the rising generation, which institution shall be accessible alike to all, without regard to opinions of religion or politics.

Sec. 3. That the Trustees, for the time being, shall have full power to enact by-laws, rules and regulations for the government of said institution as they may deem necessary for the prosperity thereof.

Sec. 4. That the head of said institution shall be styled the President, and the instructors the Professors; and the President and Professors, or a majority of them, the Faculty of said institution, which Faculty shall have the power of enforcing the rules and by-laws adopted by the Trustees for the government of the students, and of rewarding or censuring them, and finally of suspending or expelling such as shall continue disobedient after repeated admonitions.

Sec. 5. That the Trustees shall, by the President and Professors, have power to grant and confer such degrees in the arts and sciences upon any of the students of said institution, and also upon any other distinguished or learned persons, that may be thought worthy, as are usually granted or conferred in other similar institutions, and to give diplomas thereof signed by them and sealed with the common seal of the Trustees of said institution.

Sec. 6. That all officers of said institution shall be appointed by a majority of the Trustees.

Sec. 7. The term of office of the Trustees of said institution shall be during the pleasure of said Trustees, unless removed for neglect or improper conduct.

Sec. 8. That the Trustees shall have power to convey said institution entire, and all that in any wise appertains to it, to any branch of the Christian Church that they may see fit, with such restrictions and upon such conditions as said Trustees and Church may agree upon.

Sec. 9. That the institution hereby incorporated shall be located at Itinerant Retreat, in Red River county.

Sec. 10. That this act take effect from and after its passage.

Approved, February 10, 1854.

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#### CHAPTER LXIV.

##### An Act to Incorporate Stinson's Ferry Turnpike Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That William N. Bonner, and such other persons as he may associate with himself, are hereby incorporated under the name and style of "Stinson's Ferry Turnpike Company." That said Bonner, his associates and successors, shall constitute a body corporate and politic for the period of twenty years. That under that name the said Bonner, his associates and successors shall have power to contract for, buy, receive, hold and possess all kinds of property that may be necessary for the purpose for which said corporation is created, to sue and be sued, to bind him or themselves without using a seal, and to make any by-laws, rules or regulations that may be necessary for the welfare of the said corporation. Provided, the same do not conflict with the provisions of this act nor with the Constitution and laws of this State.

Sec. 2. That the entire interest of the said Bonner, or any member of said corporation, may be sold, transferred or assigned in the same manner that real estate is now by law sold and transferred.

Sec. 3. That the said company shall, within four years from the passage of this act, construct a good and substantial turnpike road across the low-lands extending from the high-lands

in the county of Cherokee to the high-lands in the county of Anderson, at the point known as Stinson' Ferry on the river Neches; the said company shall also construct good and safe bridges across the sloughs, the whole to be so constructed that the same will be passable at all times by the traveling community, and to be above ordinary overflow.

Sec. 4. That the said company shall have the privilege of keeping a ferry boat in, or constructing a bridge across the main stream.

Sec. 5. That said company shall have the exclusive occupancy of the vacant lands in the bottoms of said river, from the main channels to the bluffs, for the distance of sixty rods on each side of said road during the term of twenty years, with the privilege of using the timber for the construction of said road and bridges and keeping the same in good repair.

Sec. 6. It shall be the duty of the County Court of Cherokee county to appoint annually, at the January term of said court, three commissioners, who shall be paid two dollars per day by said company, whose duty it shall be to inspect said turnpike and to report at the next term of the said court the actual condition of the said road, bridges, boat or boats; it shall then, on the reception of said report, be the duty of said court to fix for the year the rates of ferriage that the said company shall be entitled to charge.

Sec. 7. That from the passage of this act until the fixing the rate of ferriage as provided for in the fifth section of this act, the said company shall have the right to charge and enforce the collection of such charges for ferriage as have been or may be fixed by the County Court of Cherokee county.

Sec. 8. That said company may be protected in the privileges granted by this act, and thereby enabled to complete said turnpike improvements; the said company are hereby granted the exclusive right of keeping a ferry and charging therefor at said point and on said river, known as "Stinson's Ferry;" and if any person or persons do, during the continuance of this act keep a public ferry and charge tolls therefor, within four miles of the said "Stinson's Ferry," other than the said company, he or they so infringing upon the privileges granted by this charter shall be liable to said company for such damages as any court of competent jurisdiction may adjudge.

Sec. 9. That said company shall not be compelled to pay but one license tax, and that to the County Court of Cherokee county.



Sec. 10. That this act shall take effect and be in force from and after its passage.

Approved, February 10, 1854.

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#### CHAPTER LXV.

An Act for the relief of the heirs of Thomas Scott, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Landoffice be, and he is hereby authorized and required to issue to the heirs of Thomas Scott, deceased, a certificate for one league and one labor of land, which may be located, surveyed and patented as other headright certificates; and that this act take effect and be in force from its passage.

Approved, February 10, 1854.

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#### CHAPTER LXVI.

An Act granting to Jesse Gibson, guardian of George W. Cannon, the privilege of constructing a Toll Bridge across the Neches River, at the place known as Cannon's Ferry on said River.

Section 1. Be it enacted by the Legislature of the State of Texas, That the privilege is hereby granted to Jesse Gibson, guardian of George W. Cannon, and he is hereby authorized to construct a bridge across the Neches river at the place known as Cannon's Ferry on said river, on the road leading from the town of Rusk, county of Cherokee, to the town of Palestine, in the county of Anderson, to extend across the bottom as well as stream, from hill to hill, above high water mark, making the way passable at all times in safety.

Sec. 2. That the bridge contemplated to be built, shall be made and completed within a reasonable time from and after the passage of this act, and that the privilege hereby granted shall extend and enure to the said Jesse Gibson, guardian of the said George W. Cannon, for the use and benefit of his said

ward, until his majority, and then to him and his assigns, until the expiration of twenty years from the date of the passage of this act.

Sec. 3. That whenever said bridge shall have been constructed, made and completed, and shall have been examined and reported in good order and repair by the Commissioners appointed for that purpose in the manner prescribed by this act, the proprietor may erect a toll gate at some convenient place in the immediate vicinity of said bridge, and demand and receive at said gate from all and every person passing over said bridge, toll according to the following rates: For all carriages and waggons, twenty cents per wheel, and five cents per head for the team attached thereto; for horse or mule and rider, ten cents; for footman, five cents; for loose horses and mules, five cents per head; cattle per head, two and a half cents; hogs, sheep and goats, one cent per head.

Sec. 4. That the County Court of Cherokee county shall appoint two Commissioners, on the application of the proprietor of such toll bridge, citizens of said county, whose duty it shall be to examine and approve said bridge, authorized by this act to be constructed and made, and report the same whenever completed and in good order to said County Court, at a regular quarterly session thereof.

Sec. 5. That the Commissioners appointed under the provisions of this act shall hold heir office for the term of two years from the time of their appointment and until successors shall have been appointed; and it shall be the duty of said County Court to appoint Commissioners biennially to examine and report at least twice in each and every year, the condition of said bridge herein authorized to be constructed and made by the said Jesse Gibson, guardian as aforesaid, for which service the said Commissioners shall each receive one dollar per day for the time they may be necessarily employed in the discharge of the duties hereby imposed on them, to be paid by the proprietor for the time being of such privileged improvement.

Sec. 6. That whenever the bridge hereby authorized to be constructed and made shall be found out of repair and in bad order, the toll gate shall be set open until such bridge shall have been repaired and examined by the Commissioners appointed as herein provided, and all and every person or persons crossing over on the said bridge or across the said river Neches, within two miles of said bridge, and who shall wilfully go around said toll-gate for the purpose of evading the payment

of the toll levied by virtue of this act, shall forfeit and pay to the proprietor for the time being the sum of five dollars and costs of suit, for every such offence, to be recovered before any Justice of the Peace in whose jurisdiction such person may be found.

Sec. 7. That the owner and proprietor of said toll-bridge shall be liable by action for damages, to any person who may sustain injury to person or property by reason of negligence or failure to keep in repair said bridge, before any court having jurisdiction of the amount of damages claimed.

Sec. 8. That the said Jesse Gibson, guardian as aforesaid, shall have the privilege of keeping the ferry known as Cannon's Ferry, under such rules, regulations and restrictions as are now or may hereafter be prescribed by law, until the bridge herein contemplated by him to be built shall have been completed and reported in good repair as herein specified.

Sec. 3. That this act shall be in force from its passage.

Passed, February 7, 1854.

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## CHAPTER LXVII.

### An Act to Incorporate the Gulf Coast and Austin City Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Logan Vanderver, J. M. Swisher, John Caldwell, G. W. Sinks, James S. Montgomery, T. H. McMahan and Edwin Waller are hereby constituted and appointed Commissioners, for the purpose of opening books of subscription for the capital stock of the railroad hereby chartered, whose duty it shall be to open said books, on such day and at such place as they may deem necessary, and to keep said books open until \$100,000 of stock shall be subscribed. It shall then be their duty, by advertisement in at least three of the public newspapers on the line of said road for twenty days, to notify the stockholders to meet at the town of LaGrange, for the purpose of organizing, by the election of a Board of Directors and President; which said company, when organized as aforesaid, are hereby declared a body politic and corporate, under the name and style of the Gulf Coast and Austin City Railroad Company, with capacity in said corporate name to make con-

tracts, to have succession and a common seal, to make bylaws for its government and the regulation of its affairs, to sue and be sued, to plead and be impleaded, to grant and receive, and generally to do and perform all such acts and things as may be necessary and proper for, or incident to the fulfillment of its obligations or the maintenance of its rights under this act and consistent with the Constitution of the State. And the Commissioners herein named shall be styled the Commissioners of the Gulf Coast and Austin City Railroad for all the purposes herein mentioned, until after the election of the Board of Directors and President as herein provided, from and after which time their powers shall cease. Provided, that a majority of said Commissioners may act for the purposes herein mentioned; and provided, further, the number of Directors shall be five, and that the President shall be elected by the Directors out of their number, the said Directors being elected by the Stockholders.

Sec. 2. That said company be, and is hereby invested with the right of locating, constructing, owning and maintaining a railway, commencing at any point on Galveston Bay, and thence running as near a direct route as may be thought advisable by said company, to the city of Austin, in the county of Travis.

Sec. 3. That the amount of the capital stock of said company shall not exceed five millions of dollars, but when the amount of one hundred thousand dollars shall have been subscribed, and the company organized, they may commence operation; which stock shall be divided into shares of one hundred dollars each, each share entitling the owner thereof to one vote, in person or by proxy, at all meetings of the company, and the shares shall be deemed personal estate, and shall be transferable in such manner as may be provided in the by-laws of said company.

Sec. 4. The said President and Directors shall hold their offices until others are duly elected in their places by the members of the company; no person shall be eligible as Director unless a subscriber or owner of at least five shares of the capital stock. The Directors shall have power to fill any vacancy in the Board, arising from non-election, death, resignation or other causes, to appoint a Clerk, Treasurer and such other officers and agents as they may consider necessary, and prescribe and require bonds for the faithful performance of their duties. They may, if the same is not fixed by the by-laws, determine the manner of holding and conducting all

meetings, the number of members that shall constitute a quorum, and do or cause to be done all other lawful matters or things they may deem necessary or proper in conducting the business of the company. They shall keep or cause to be kept accurate books of accounts of the receipts and expenditures of the company. A majority of the Board of Directors shall have the power of a full Board; and all conveyances and contracts in writing, executed by the President and countersigned by the Treasurer, or any other officer duly authorized by the Directors, under the seal of the company and in pursuance of a vote of the Directors, shall be binding and valid.

Sec. 5. That the shares in said capital stock may be disposed of by the Commissioners or Directors, in such manner and on such terms as they shall think best for the interest of the company, and any agreement in writing, whereby any person may become a subscriber to the capital stock, may be enforced against him according to its terms; and if any subscriber shall fail to pay any amount due upon the shares subscribed for by him according to the terms of his subscription, the Directors may sell at auction and transfer to the purchaser the shares of such delinquent, and if the proceeds of sale shall not be sufficient to pay the amount so due with interest and charges, such delinquent shall be held liable to the company for such deficiency; and if the proceeds shall exceed the amount so due, with interest and charges, he shall be entitled to the surplus.

Sec. 6. That it shall be lawful for said company to enter upon and purchase, or otherwise take and hold any land necessary for the purpose of locating, constructing and maintaining said railway, with all necessary depots and other business; and if they shall not be able to obtain such lands by agreement with the owners thereof, they shall pay such compensation as shall be determined in the manner provided for in the following section. The land so taken for the road-bed shall not exceed fifty yards in width, and for depots and other buildings only such further width as may be necessary.

Sec. 7. That any person, when land has been taken as aforesaid, may apply to the Chief-Justice of the county where the land is situated, for the appointment of three freeholders, and said court shall thereupon appoint a time and place to hear the applicant and the company, to whom shall be given reasonable notice by the court of said time and place; and said freeholders shall, after being sworn, and after hearing the parties, determine the amount of compensation as aforesaid, and make return of the award to such court at its next regular term, and

said award may be confirmed, or for any sufficient reason, rejected by said court, in the same manner as the awards of arbitrators, under a rule of court; and if confirmed by the court, judgment shall be rendered thereon, as in other cases. In determining the amount of compensation to be paid as aforesaid, said freeholders shall be governed by the actual value of the land at the time it was taken, in connection with whatever injury may result to other adjoining lands of the person from whom the lands shall have been taken by the establishment of said railway. If in any case the amount found by the arbitrators shall not exceed the amount proven to have been offered by said company to the owner prior to his application to the court, the owner shall pay the cost of the proceedings, otherwise the company shall pay the same.

Sec. 8. That said company shall have the right to charge such amount for transportation of all produce, merchandize and bulky freight as the Directors may establish, not to exceed one-half of one cent on each and every hundred pounds of such freight for every mile the same may be transported over said railway; and for all passengers over said railway said company may charge such sum, not to exceed four cents per mile for each passenger, as said Directors may establish; and said company shall have the right to cross all public highways that may be necessary in establishing and maintaining said railway, but shall be compelled to make causeways over all public highways so crossed, for the convenient passage of the public.

Sec. 9. That said company shall commence the construction of said railway within one year from the passage of this act, and complete twenty-five miles in three years, and twenty-five miles annually thereafter, until the same reaches Austin; and should said company fail to commence said railway within one year from the passage hereof, they shall forfeit and lose all rights under this act; and in the event said company shall fail to complete twenty-five miles in three years, and twenty-five miles annually thereafter, until the same reaches Austin, said company shall forfeit all right to such portion of said railway as may not be completed. Provided, that if said company shall, under the provisions of this section, forfeit any portion of said road, from the beginning point to the city of Austin, by reason of not constructing it within the time prescribed, then, and in such case, any other incorporated company within this State shall have the right to enter upon said road and build the unfinished portion thereof, between the beginning point and the city of Austin, and shall thereby become incor-

porated with the company incorporated by this act, and to all intents and purposes be considered members thereof, having equal rights in the same with the original company, to the extent of the stock owned, and money expended by them in finishing said road.

Sec. 10. That said company shall be entitled to the same quantity of lands that is granted to any local roads in this State, and upon the same terms and conditions.

Sec. 11. This company is hereby required, at all reasonable times and for reasonable compensation, to draw over their roads the passengers, merchandize and cars of other railroad corporations, which have been or may hereafter be authorized by the Legislature; to enter with their railroad and connect with the railroad of this company, and if the respective companies shall be unable to agree upon the compensation aforesaid, it shall be the duty of the President of each company to select, each one, a man as a commissioner, and the two commissioners so selected shall choose a third, in case of disagreement, neither of whom shall be a stockholder in either road, nor interested therein, and they shall fix the rates, which shall not be changed for one year from the time of going into effect. The said company shall also fix the periods at which said cars are to be drawn as aforesaid, having reference to the convenience and interests of said corporations and the public who will be accommodated thereby; the right or power is especially conferred on this said company to connect and contract with any railroad company chartered by this State, for the performance of like transportation, and in case of disagreement between said companies, the same shall be referred to and settled as aforesaid, and be binding for one year as aforesaid.

Sec. 12. That the Board of Directors, to be elected under the provisions of this act, are hereby authorized to form a junction or connect with any other company or companies, in such manner as may best and most certainly secure the speedy construction of their said railway.

Sec. 13. That this charter shall remain in full force and effect for the period of fifty years from the final completion of the said railway, and the same shall at all times be subject to alteration or modification by the Legislature, whenever the same may be required for the public good.

Sec. 14. That this act shall take effect from and after its passage.

Passed, February 9, 1854.

CHAPTER LXVIII.

An Act to Incorporate Milam Masonic Institute.

Section 1. Be it enacted by the Legislature of the State of Texas, That the institution of learning situated in the town of Miliam in the county of Sabine, be, and the same is hereby incorporated with the name and style of the Miliam Masonic Institute, under the control and supervision of the Master and Wardens of Jackson Lodge Number Thirty-Five, and their successors in office.

Sec. 2. That the said Master and Wardens of Jackson Lodge Number Thirty-Five and their successors in office be, and are hereby constituted and appointed Trustees of said Institution, and shall be able and capable in law to have and receive, to hold and use all lands and tenements, money or other property of any description belonging to, hereinafter descending or acquired for the use and benefit of said Milam Masonic Institute, to sue and be sued, to do and perform any and all other acts necessary to the protection, maintenance and advancement of the rights and interests of said Institution, the same as individuals may of right do in the management of their own private affairs.

Sec. 3. That the Master and Wardens, in conjunction with the members of said Lodge, have power to frame such ordinances and by-laws as shall appear to them necessary for the good government of said institution; provided, the same be not repugnant to the laws and Constitution of this State; to employ competent officers and instructors, and fix the salaries of the same, with the power of removal for neglect of duty or misconduct in office.

Sec. 4. That the Trustees of said Institute, by and with the recommendation or consent of the preceptors, shall have full power to grant or confer such degree or degrees in the arts and sciences to any of the students of said Institute thought worthy, as are usually granted or conferred in similar Institutions of learning; to give diplomas or certificates of the same, with adequate marks and designations to authenticate and perpetuate the memory of such degrees and graduations.

Sec. 5. That this act take effect from its passage.

Approved, February 10, 1854.



## CHAPTER LXIX.

## An Act to Incorporate the Trinity River and Galveston Bay Dredging Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That there is hereby created and established a corporate company to be styled The Trinity River and Galveston Bay Dredging Company, with a capital which shall not exceed thirty thousand dollars, in shares of fifty dollars each, for the purpose of deepening the Bar at the mouth of the Trinity river in Galveston Bay, so as to facilitate the navigation of said river by Steamboats and other water crafts.

Sec. 2. That for the purpose of facilitating the organization of said company and carrying into effect the objects contemplated by the Legislature in creating said corporation and granting this charter, the following named persons be, and they are hereby appointed Commissioners, to wit: Edward Hall, Albert Ball and John Shackelford, of the county of Galveston; Benjamin Barrow, Charles Cleveland and Charles C. Lund of the county of Liberty; D. D. Moore, A. P. Bailly and J. W. Sanders of the county of Polk; Wm. A. Haygood, Thomas Scott and Wm. C. Gillean of the county of Anderson; James McBride, Nathan Hall and G. H. B. Grigsby of the county of Leon; J. Carrol Smith, M. C. Rogers and Dr. — Smith of the county of Walker; John Long, A. L. Monroe and S. A. Miller of the county of Houston.

Sec. 3. That the Commissioners named for the several counties aforesaid, or such of them as will act, be, and they are hereby authorized and required by, or before the first day of May, 1854, or as soon thereafter as practicable, to open in their several counties books of subscription wherein any individual may enter his name for so many shares of the stock of said company as he may desire to take, not to exceed fifty shares. That when a party subscribes for stock, he shall pay to the Commissioners ten per cent. on the amount of stock so taken; the said Commissioners of the counties of Liberty, Polk, Houston, Anderson, Leon and Walker shall severally advise the Commissioners for the county of Galveston, of the amount of stock taken in their counties and the amounts paid, every month, and the Commissioners for the county of Galveston, so soon as the sum of ten thousand dollars is or shall be subscribed, shall forthwith advise the aforesaid Commissioners of the several counties aforesaid, of the fact, and shall at the

same time appoint a time and place for organizing the company under this charter in the city of Galveston, at which time a meeting of Stockholders shall be held, and the Stockholders, represented in person or by proxy, at such meeting, shall elect Directors to manage the affairs of said company. So soon as the Directors are elected, the Commissioners for the several counties shall deliver into the control of the Directors the several original books of subscription, and pay over to them the several amounts paid in on account of stock subscribed, when their duties as Commissioners shall cease, and all further subscriptions shall be in books kept by the company under the control of the Directors.

Sec. 4. That the subscribers to said stock, their assigns, associates and successors, shall be the body politic and corporate, contemplated by this charter, and created by the first section of this act, and under said corporate name shall be capable in law of suing and being sued, of pleading and being impleaded, of contracting under seal or without, of appointing its officers and agents, dismissing and re-appointing others in their stead, and of doing all and everything necessary to be done in order to open or deepen the channel from the Trinity river at or near its mouth, into Galveston Bay, so that steamboats drawing five feet at ordinary tide can pass from river to Bay without detention in consequence of the bar. Said corporation to have and possess all the rights and powers, and be subject to all obligations and responsibilities incident to and usually allowed and attached to such corporations, with power to make such by-laws, (amend and alter the same,) as they think proper, not inconsistent with the Constitution and laws of the State.

Sec. 5. That there shall be a Board of five Directors, one of whom shall be elected President by the Board, and a majority of whom shall have authority to act in the management of the affairs of the company. After the first election herein provided for, an election shall be held on the first Monday of January, of each and every year, for Directors of said company; and in case an election is not held at said time, the incumbent Directors shall appoint another time for an election and shall continue to act until an election can be held and others elected. In case of vacancy for any cause in the Directory, the other Directors or such of them as remain may fill such vacancies by appointment.

Sec. 6. That the channel to be opened shall be at least fifty feet wide, and at least five feet deep, from river to open bay at

ordinary tide, so that boats and vessels drawing five feet water can pass from river to bay without detention by reason of the bar.

Sec. 7. That said company shall open the channel known as the Brown Pass, being the same designated for improvement by the United States Engineer, Capt. Whiting; and they shall not be permitted to charge toll for or on account of any boat, flat or other water craft passing through said channel which would or could have passed through it without its having been deepened by said company.

Sec. 8. That said company be, and they are hereby authorized to demand, receive and collect from the Captain, Master, owner or person controlling any steamboat, flat or other water craft passing through the channel opened by said company, such reasonable toll as the company may from time to time establish; the legislature retaining the right at any time to alter, modify or fix the tolls to be collected.

Sec. 9. That the domicil or office of said company shall be at the City of Galveston, where all elections shall be held, and three of the Directors must reside.

Sec. 10. That said company shall commence as early as practicable after its organization to open a channel as authorized by this act, and shall complete the same by or before the first day of January, eighteen hundred and fifty-six, under penalty of forfeiting this charter. The said company shall keep the said channel at all times open, and should boats be detained by reason of filling up the bar, during such time no tolls shall be charged, and should the company not remove the obstruction so as to make the channel such as is required by this charter within thirty days, without good cause, they shall be liable to have their charter forfeited by *scire facias*, or have the same repealed by the legislature.

Sec. 11. That the Directors of said company shall annually, on the first Monday in June in each and every year, cause to be filed in the office of the Secretary of State, an account of the expenditures for and on account of said company, and the amount of tolls received, or debts due to the company, which account shall be signed by the Directors or a majority of them, and shall be verified by oath. In case of failure to file said statement as hereby required, without reasonable cause, to be judged of by the legislature, the legislature may repeal said charter.

Sec. 12. That the legislature reserves the right to repeal this charter at any time the legislature may think proper, by

making compensation for the same; and in making compensation, the amounts received for toll shall be taken into consideration and deducted from the costs incurred and moneys expended by the company in opening and keeping open the channel. Should the amounts of toll received at any time exceed the cost of the work and interest thereon at 12 per cent., this charter may be repealed without further compensation.

Sec. 13. That this act be in force from and after its passage, and for and during the term of ten years from and after the first day of January, 1855.

Approved, February 10, 1854.

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## CHAPTER LXX.

### An Act for the relief of William B. Jaques.

Section 1. Be it enacted by the Legislature of the State of Texas, that the sum of eight hundred and eight dollars and thirty cents be, and the same is hereby acknowledged to be due from the Republic of Texas to William B. Jaques, for sundry merchandise furnished the Santa Fé expedition in the year 1841.

Sec. 2. That the Auditor and Comptroller be, and they are hereby authorized and required to issue to the said William B. Jaques, a certificate of debt of the second class, against the said Republic of Texas for the amount expressed in the first section of this act.

Sec. 3. That this act be in force from and after its passage.

Approved, February 10, 1854.

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## CHAPTER LXXI.

### An Act to Incorporate the Brazos Branch Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That there is hereby created a body politic and corporate, to be styled the Brazos Branch Railroad Company, with capacity in said corporate name to make contracts, to have succession and a common seal, to make laws for its government

and the regulation of its affairs, to sue and be sued, to plead and be impleaded, and to grant and receive, and generally to do and perform all such acts as may be necessary or proper for, or incident to the fulfillment of its obligations and the maintenance of its rights under this act, and consistent with the Constitution of this State.

Sec. 2. That said company is hereby invested with the right to locate, construct, own and maintain a railroad, commencing on or near the bank of the Brazos river, near the town of Washington, in Washington county, and run on the most direct accessible route, so as to intersect the Galveston and Red River railway, or the Buffalo Bayou, Brazos and Colorado railroad, or the Texas Central railroad, at the discretion of the company.

Sec. 3. That John M. Brown, G. W. Crawford and D. D. Greer be, and they are hereby appointed Commissioners to open books of subscription to the stock of said company, at such times and places as the said Commissioners may direct and appoint, by notice duly given; and when the sum of twenty thousand dollars of the capital stock of said company is subscribed, the Commissioners shall give notice to the subscribers to the stock of said company, stating the time and place appointed for a meeting of the stockholders, who shall organize said company in conformity to this charter; the stockholders, and such others as may become stockholders, shall be and constitute the body politic and corporate created by this act under the aforesaid name and style of the Brazos Branch Railroad Company; when the stockholders shall have organized the company all the powers of the Commissioners shall cease.

Sec. 4. The capital stock of said company, to consist of all its property, real and personal, franchises and rights of property, shall be divided into shares of one hundred dollars each, each share entitling the owner thereof to one vote by himself or proxy at all meetings of said company; said shares shall be deemed personal property, and shall be transferable by any conveyance in writing, recorded by the Treasurer in books kept by him at his office, or in such other manner as the by laws of said company may provide.

Sec. 5. The immediate government and direction of the affairs of said company shall be vested in a Board of not less than five Directors, who shall elect one of their own members as President of said company. No person shall be eligible to the office of Director unless an owner of at least five shares of the stock of said company; the Directors shall have power

to fill any vacancy that may occur in said Board, and may appoint a Secretary, Treasurer, and such other officers and agents as they may consider necessary, and prescribe and require bonds for the faithful performance of their duties; they may, if not otherwise provided for by the by-laws, determine the manner of conducting all meetings, the number of members that shall constitute a quorum to do business, and do or cause to be done all other lawful matters and things which they may deem necessary and proper in conducting the affairs of the Company; they shall keep or cause to be kept, accurate records of all meetings of the Directors and company, and accurate books of accounts of the company, and all other books necessary and proper to be kept by such company, which shall be open to the inspection of the stockholders; a majority of the Board of Directors shall have the authority of a full Board, and all conveyances and contracts in writing, executed by the President and countersigned by the Secretary or any other officer or person authorized by the Directors under the seal of said company, and in pursuance of a vote of said Directors, shall be valid and binding.

Sec. 6. That the shares may be disposed of and books opened for subscriptions thereto, in such manner and on such terms as said Commissioners shall determine will be for the best interests of said company, and any agreement in writing by which any person shall become a subscriber to the capital stock of said company, may be enforced against him according to its terms, and if any subscriber shall fail to pay any amount due upon shares subscribed by him according to the terms of his subscription, the Directors may sell at auction and transfer to the purchaser the shares of any such delinquent, and if the proceeds of sale shall not be sufficient to pay the amount due on said subscription, with interest and charges, such subscriber shall be held liable to the company for the deficiency.

Sec. 7. That it shall be lawful for the company to enter upon and purchase or otherwise take and hold any land necessary for the purpose of establishing and constructing said railway, with all the necessary depots and buildings, and if they shall be unable to obtain said lands by agreement with the owner thereof, they shall pay therefor such compensation as shall be determined in the manner provided by the following section; provided, that the land so taken for the road-bed shall not exceed two hundred feet in width.

Sec. 8. That any person, owning such land as has been taken as aforesaid, without agreement or satisfactory compensation,

may apply to the District Court of the county in which said land is situated, for the appointment of, and said Court shall thereupon appoint three disinterested freeholders of the county, who shall appoint a time and place to hear the applicant and the Company, to whom shall be given by said free holders reasonable notice of said time and place; and said freeholders shall, after being sworn by some Justice of the Peace, and after due hearing of the parties, determine the amount of compensation, if any, to which the applicant may be entitled, and make return of their award to the next succeeding term of the District Court, and said award, if not rejected by said Court for sufficient cause then shown, shall be entered up as the judgment of said court. In determining the question of compensation, said freeholders shall be governed by the actual value of the land at the time it was taken, taking into consideration the benefit or injury done to other lands and property of the owner by the establishment of said railway, and if the compensation awarded by said freeholders shall not exceed the amount offered by said Company prior to said application to the Court, the applicant shall pay the costs of the proceedings, otherwise the Company shall pay the same.

Sec. 9. That said company is hereby required, at all reasonable times and for a reasonable compensation, to draw over their road the passengers, merchandize and cars of other railroad corporations, which have been or may hereafter be chartered by the Legislature.

Sec. 10. Said Company may acquire real estate by gift or purchase, and that such Commissioners hereinbefore mentioned shall have full authority to solicit and receive subscriptions and conveyances of land to said Company.

Sec. 11. That said Company shall have the right to demand and receive such rates and prices for the transportation of passengers and freight as they may think proper to establish, subject to the control of the Legislature.

Sec. 12. That if any person shall injure or obstruct said railway or its property, such person may be punished, when prosecuted by indictment for said offence in due course of law, and also liable to action by said Company, or any person whatever, who may suffer in person or property from said obstructions, for the amount of damages occasioned thereby

Sec. 13. That whenever the Governor shall be satisfied that said road has been completed, he shall cause the Commissioner of the General Landoffice to issue to said company certificates for like amount of land as has been or may be granted to other

railroads for each mile completed, and the said Commissioner is hereby required to issue said certificates upon the call of the Governor, which shall be granted, and may be surveyed and patented as other lands in the State. Provided, that there shall be no land granted to said company until after the completion of the entire length of said road.

Sec. 14. That the first meeting of Commissioners shall be held in the town of Washington, on or before the first day of July next, after which time the said Commissioners may meet at such times and places as may be fixed by themselves.

Sec. 15. That if said road is not commenced within two years from the passage of this act, and finished within five years thereafter, this charter shall be null and void. Provided, that the provisions of this charter shall not extend beyond the term of ninety years.

Sec. 16. That this act take effect from its passage.

Approved, February 10, 1854.

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#### CHAPTER LXXII.

An Act to change the name of John Gideon Slade to that of John Gideon Bell.

Section 1. Be it enacted by the Legislature of the State of Texas, That the name of John Gideon Slade be changed to that of John Gideon Bell, and that he be capable of inheriting the estate of Thomas Bell, of Austin county, according to his act of adoption, in such cases made and provided by law.

Approved, February 10, 1854.

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#### CHAPTER LXXIII.

An Act to confirm the patent issued by the Commissioner of the General Landoffice to Levi Jones and Edward Hall, on the twenty-eighth day of November, eighteen hundred and forty.

Section 1. Be it enacted by the Legislature of the State of



Texas, That the patent issued by the Commissioner of the General Landoffice, on the twenty-eighth day of November, eighteen hundred and forty, to Levi Jones and Edward Hall, for lands on Galveston Island, be, and the same is hereby confirmed, and the State of Texas disclaims any title in and to the lands described in said patent, in favor of the grantees and those claiming under them.

Passed, February 8, 1854.

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#### CHAPTER LXXIV.

##### Joint Resolution for the relief of McKinney & Williams.

Whereas, it appears from the affidavits of Thomas F. McKinney and Samuel M. Williams, that fifteen hundred dollars of the consolidated fund of the Republic of Texas was, by one of them, transferred on the 2d of November, eighteen hundred and thirty-eight to Andrews & Bro., of New Orleans, to pay a debt due said Andrews & Brother by McKinney and Williams, which consolidated fund was lost, and the debt due Andrews & Bro. otherwise paid; therefore,

Be it resolved by the Legislature of the State of Texas, That the said McKinney & Williams shall make publication in two newspapers, one in New Orleans and one in the city of Austin, requiring any person owning or holding the same to present it at the Comptroller's office in Austin, within three months after said publication, and in default thereof the said McKinney & Williams, on producing satisfactory proof to the Comptroller, that said debt to Andrews & Bro. has been otherwise paid, and giving a bond with approved security to indemnify the State, shall be entitled to receive a duplicate, which shall occupy the same availability to them as though never transferred.

Approved, February 11, 1854.

CHAPTER LXXV.

Joint Resolution for the relief of John J. Linn.

Section 1. Be it resolved by the Legislature of the State of Texas, That the Auditor and Comptroller are hereby authorized and required to audit the balance due to John J. Linn for supplies for the Army and Navy on the 16th day of April, 1836, as per recommendation of the Auditorial Board, Document C, in Class B, No. 2, with interest to July, eighteen hundred and fifty.

Approved, February 11, 1854.

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CHAPTER LXXVI.

An Act to authorize and require the Commissioner of the General Landoffice to issue to the heirs of Walter H. Gilbert and wife, a certificate for forty-one hundred and eight acres of land.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Landoffice be, and he is hereby authorized and required to issue to the heirs of Walter H. Gilbert and wife, a certificate for forty-one hundred and eight acres of land; which may be located on any public domain in this State, and on the return of field-notes and payment of government dues, a patent shall issue as in other cases provided for by law; and that this act be in force from its passage.

Approved, February 11, 1854.

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CHAPTER LXXVII.

An Act to amend an act entitled An Act to Incorporate the Town of Lockhart, in Caldwell county, approved February tenth, eighteen hundred and fifty-two.

Section 1. Be it enacted by the Legislature of the State of Texas, That the third section of the act to which this is an

amendment, shall be so altered as to read as follows: It shall be the duty of the Chief-Justice to order an election for Mayor and other officers of the corporation, on the first day of March, 1854, and annually thereafter, by first giving ten days notice either in the nearest public journal, or by written notice at the court house door; and in case of the death or resignation of any officer or officers, the vacancy or vacancies shall be filled by new elections, ordered by the Chief-Justice, in the same manner as herein before prescribed, except in case of the death or resignation of the Mayor, when it shall be the duty of the Aldermen to elect one of their number to act as Mayor until the next regular election.

Sec. 2. That the sixth section of the above described act be so amended as to read as follows: The limits of said corporation shall contain one mile square, the public square of said town of Lockhart being the centre.

Sec. 3. That this act take effect from and after its passage.

Approved, February 11, 1854.

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## CHAPTER LXXVIII.

### An Act to Incorporate Tyler University.

**Section 1.** Be it enacted by the Legislature of the State of Texas, That William S. Walker, William Davenport, Rev. B. E. Lucas, Rev. W. H. Roy, Rev. George Tucker, Rev. John S. Bledsoe, Noel Pace, S. P. Hollingsworth, George Clinton, B. Watts, L. Evans, N. Crain, William Evans, M. D., T. S. Rogers, John McKinley, Jack Davis and T. J. Hays and their successors in office be, and they are hereby constituted a Board of Trustees of an Institution of learning, established in or near the town of Tyler, Smith county, Texas, and under the control of the General Association of the Baptist denomination of Texas; which said Institution is incorporated by the name of the Tyler University, by which name it may sue and be sued, plead and be impleaded, and buy and sell property, real estate, personal or mixed, and hold the same. The said University may have a common seal for the transaction of business by the Board of Trustees, which seal it shall have power to make and alter at pleasure.

**Sec. 2.** Five members of said Trustees shall constitute a quorum to transact business, and shall have power to make

such by-laws as they may think necessary for the government of said University and its finances; provided, such by-laws are not inconsistent with the Constitution and laws of the United States and of this State: they shall have power to elect their own officers, appoint their own committees and examine into every branch or department of said University, fix salaries and elect all the Professors and appoint and dismiss tutors; but it shall require the concurrence of two-thirds of all the Trustees to remove the President or any one of the Professors.

Sec. 3. The Trustees shall be thrown into parcels of six each, and draw for their numbers from one to three; those drawing number one shall go out of office at the close of the first year; those drawing number two at the close of the second year; provided, in all cases they shall be eligible to re-election by the General Association of Texas, at any annual meeting, at which time it shall be the duty of said General Association to elect six members of said Board of Trustees to fill the annual vacancies; and all Trustees so elected shall continue in office three years from their election; said General Association shall fill all other vacancies that may occur by death or otherwise; provided, that a quorum of the Board of Trustees shall fill vacancies temporarily, when necessary; but vacancies shall be filled permanently only by the said General Association.

Sec. 4. The Trustees of said University shall hold an annual meeting, at which time they shall have power to confer the degrees that are usually conferred in other Colleges, and grant diplomas of the same to men distinguished in the arts and sciences, and upon deserving students, which diplomas shall be signed by the faculty and by the President and Secretary of the Board of Trustees.

Sec. 5. It shall be the duty of the Board of Trustees to establish male and female departments in said University, taught in separate buildings; provided, they shall both be under the supervision of the President of said University, and subject to the control of said Board of Trustees; the Trustees shall have power to establish a theological department also, the Professorship in which shall be filled by the President of said University, who shall be a minister of the Baptist Church, in good standing; but no religious test shall be required of any other Professor or Tutor in said University.

Sec. 6. The Board of Trustees, with the Faculty, shall have power to prescribe the course of study to be pursued by the students of said University.

Sec. 7. All donations, bequests and sales made to said Uni-

versity, shall be good and binding, although the corporate name of said University may not have been properly stated by the persons making such donations, bequests or sales.

Sec. 8. The seal of the corporation, with the attestation of the President and Secretary, shall be sufficient to authenticate any of the acts of the corporation.

Sec. 9. That the names of all the donors to said University, with the amount of their donations annexed, shall be carefully and legibly inscribed in a book provided by the Trustees and kept for that purpose, and which shall be preserved in the archives of said University, that posterity may know who were the early benefactors of the same. The Trustees of said University shall have power to appoint honorary members of their number, and those so appointed may enjoy all the privileges of other members, except in no case shall they be entitled to a vote.

Sec. 10. Said Trustees shall have power to establish scholarships and fellowships, as they may deem proper; provided, such beneficiaries be subject to the same by-laws as other students.

Sec. 11. Any Trustee of said University who may find it inconvenient to attend the meetings of the Board of Trustees, may appoint an agent or proxy, through whom he may transact any business pertaining to the affairs of said University, and that all the lawful acts of such agent or proxy, in the premises aforesaid, shall be as good and binding to all intents and purposes, as though such Trustee had transacted the business in person.

Sec. 12. Said Trustees shall make an annual report to said General Association, embracing the internal condition of said University, its finances, and other matter of interest which they may deem proper; and that this act take effect from and after its passage.

Approved, February 11, 1854.

## CHAPTER LXXIX.

An Act to grant ninety-four sections of land, of six hundred and forty acres each, to the Galveston and Brazos Navigation Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be granted to the Galveston and Brazos Navigation Company ninety-four sections of land, of six hundred and forty acres each; and upon the application of the President of said company, or any duly authorized agent thereof, stating that a canal, as contemplated in "an act to incorporate the Galveston and Brazos Navigation Company," approved February 8, 1850, (eighth, eighteen hundred and fifty), has actually been completed by said company from San Louis, or West Galveston Bay, to the Brazos river, and is in actual use and sufficient for the purposes for which it is intended, it shall be the duty of the Comptroller of Public Accounts to require the State Engineer, or a Commissioner to be appointed by the Governor, to examine said canal at the expense of said company, and upon his certificate that said canal has been completed as hereinbefore described, in a good and substantial manner and is ready for use, the Comptroller shall give information of that fact to the Commissioner of the General Landoffice, whose duty it shall be to issue to said company ninety-four land certificates, of six hundred and forty acres each, which may be located upon any unappropriated public domain of the State of Texas, in square blocks of not less than six miles, unless prevented by previous surveys or navigable streams, and shall be so surveyed, and such surveys shall be delineated upon a map or maps, the even and odd sections being differently colored and regularly numbered from one upwards, to the full number contained in the block; and the field-notes of said surveys, and map or maps, shall be deposited in the General Landoffice, and all the even sections of such surveys shall be the property of said company, and all of the alternate or odd sections shall be reserved to the use of the State, until appropriated by law; and upon the return of the field-notes of any survey made by virtue of any certificate thus issued, it shall be the duty of the Commissioner of the General Landoffice to issue patents to said company in their corporate name, and one-fourth of which ninety-four sections of land thus patented shall be alienated by the company in six years, one-fourth in eight years, one-fourth in ten years, and the other fourth in twelve years, so that the

whole of the land thus granted shall pass from the hands of the company within twelve years from the date of the patents thus issued.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved, February 11, 1854.

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## CHAPTER LXXX.

An Act to amend the first, third, sixth and seventeenth sections of an act entitled An Act to incorporate the Brownsville and Rio Grande Railroad Company, approved February 7, 1853.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the act to which this is amendatory be, and the same is hereby amended so as to read as follows: That Patrick C. Shannon, Charles Stillman, John E. Garey, Wm. P. Converse, A. W. Walker, John C. Shannon, Daniel Wolf, Samuel A. Beldin, E. Delmas, John R. Butler, Robert B. Kingsbury, Henry Webb and Franklin Cummings, their associates and successors be, and are hereby created and established a body corporate and politic under the name and title of the Brownsville and Rio Grande Railroad Company, with the capacity in said corporate name to make contracts, to have succession and a common seal, to make by-laws for its government and the regulation of its affairs, to sue and be sued, to plead and be impleaded, to grant and receive, and generally to do and perform all such acts and things as may be necessary or proper for, or incident to the fulfillment of its obligations or the maintenance of its rights under this act and consistent with the constitution of the State.

Sec. 2. That the third section of the above recited act be, and the same is hereby so amended as to read as follows: That the parties named in this act, or a majority of them, are hereby appointed Commissioners, and invested with the right of forming and organizing said company, and generally exercising the powers of Directors until Directors are chosen or appointed by such persons as may subscribe to the stocks of said company, when the powers of said Commissioners shall cease.

Sec. 3. That the sixth section of the above recited act be, and the same is hereby so amended as to read as follows: That the books may be opened and the shares disposed of at such time, place or places, in such manner and on such terms as said Commissioners or a majority of them shall determine will be best for the interest of said company, and any agreement in writing by which any person shall become a subscriber to the capital stock of said company, may be enforced against him according to its terms and if any subscriber shall fail to pay any amount due upon shares subscribed by him according to the terms of his subscription, the Directors may sell at auction and transfer to the purchaser the shares of such delinquent; and if the proceeds of the sale shall not be sufficient to pay the amount due on said subscription, with interest and charges, such delinquent shall be held liable to the company for the deficiency, and if the proceeds shall exceed the amount so due, with interest and charges, said delinquent shall be entitled to the surplus.

Sec. 4. That the seventeenth section of the above recited act be so amended as to read as follows: That the first meeting, and all subsequent meetings of the Commissioners or Directors appointed by this act, shall be held at such times and places as the said Commissioners or Directors, or a majority of them may think proper, in which meeting or meetings the said Commissioners or Directors may act in person or by proxy. Provided, all donations of lands by the State to said company shall cease from and after ten years from the passage of this act.

Approved, February 11, 1854.

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## CHAPTER LXXXI.

### An Act to Incorporate Gilmer Male Academy, in the County of Upshur.

Section 1. Be it enacted by the Legislature of the State of Texas, That George Ford, Joseph Derrick, Thomas D. Brooks, A. H. Abney and James H. Hendrick, be, and they are hereby incorporated a body politic, under the name and style of the Trustees of Gilmer Male Academy: and by that name shall be capable in law of suing and being sued, of pleading and being impleaded, and to hold property, real, personal and mixed, of selling and conveying the same at pleasure, and of



doing and performing whatever else that may be necessary and proper to be done for the advancement of said institution, not contrary to the Constitution and laws of the State; to have a common seal, and the same to alter at pleasure.

Sec. 2. That this charter and privilege shall extend to said Trustees and their successors in office, as long as they confine the benefits of the same to the advancement of the sciences and the promotion of useful knowledge; which institution shall be accessible alike to all, without regard to opinions of religion or politics.

Sec. 3. That said Trustees and their successors in office shall have full power to enact such by-laws, rules and regulations for the government of said Academy as may seem to them necessary and proper for that object; to fill all vacancies which may occur in said Board of Trustees, to elect such officers as may be necessary for the efficient discharge of their duties; and three members of said Board shall constitute a quorum for the transaction of business.

Sec. 4. That this act shall take effect and be in force from and after its passage.

Approved, February 11, 1854.

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## CHAPTER LXXXII.

### An Act to amend An Act to Incorporate the Chappell Hill Male and Female Institute.

Section 1. Be it enacted by the Legislature of the State of Texas, That the seventh section of the above named act be so amended that it shall read as follows: "Sec. 7. The said Institute shall not hold real estate exceeding one hundred thousand dollars in value; and that the trustees of said Institution shall have power to transfer the control and government of the same to any denomination of christians they may think proper.

Sec. 2. This act shall take effect from and after its passage.

Approved, February 11, 1854.

## CHAPTER LXXXIII.

## An Act to Incorporate the Chambers Transportation Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That T. J. Chambers and his associates and successors be, and they are hereby constituted a body politic and corporate for the term of one hundred years, by the name and style of the Chambers Transportation Company, with authority in said corporate name to have succession, to make contracts, to have and use a seal, to acquire, hold, own, manage and alienate property, personal, real and mixed, to sue and be sued, to implead and be impleaded in law and equity, in like manner and as fully as natural persons, to issue bonds and negotiate them, to borrow money on its bonds or by mortgage on its property, to make and construct roads, vehicles, steamboats and other vessels, and to own and operate the same for the conveyance and transportation of property and persons, to establish and regulate from time to time rates and charges for the transportation of freights and passengers, to appoint a President, Directors, Secretary and Treasurer and all such other officers and agents as the company may deem necessary, and prescribe their powers and duties; to make such by-laws, not inconsistent with the Constitution and laws of the United States or of any of the States in which their operations may be carried on, as may be deemed necessary and proper for the government of the company and the management of its affairs and interests, and to possess generally all the powers, rights, immunities and privileges, necessary to carry into full effect the provisions and objects of this act.

Sec. 2. The said corporation is hereby authorized to locate, survey, construct, equip, alter, maintain, own and operate a railroad from the point of intersection of the Mississippi and Pacific Railroad on the Brazos river, by the best route to the town of Chambersia, at the mouth of the Trinity river; and thence east of the Trinity by the best route northward to Red River, and the right of way two hundred feet in width is hereby granted to said company for the construction and use of said road along its entire length through the public lands of this State, to be held and enjoyed for its benefit forever; and all earth, stone, timber and other material of whatever sort on the public lands in the vicinity of said road, shall be subject to the uses and purposes of the same, not only in the construction thereof, but in furnishing it with the necessary supplies to

maintain it in operation and good repair. And said company is further authorized to construct its said road over or across any other road or highway, or any stream or body of water; provided, it shall be so done as not to impede or obstruct their use or navigation.

Sec. 3. And the said corporation is hereby invested with the right to construct its said road through lands owned by individuals or corporations, taking for the track of the road two hundred feet in width and as much more for turnouts, depots and other buildings as may be necessary and proper, and in all cases where the lands of individuals or corporations may be thus taken and the said company and the owners of the land do not agree upon the price to be paid, it shall be lawful for the owners to bring suit against said company in the District Court of said county where the land is situated, which shall be conducted as other suits in said court, and the damages caused by taking the said lands shall be determined by a jury, which in making up its verdict shall take into consideration the actual value at the time they were taken, together with the benefit or injury done to the balance of the lands belonging to the owner in the neighborhood, by the establishment of the road, and if the damages awarded by the jury shall not exceed the amount offered by the company to the owner for the land, he shall pay the costs of the proceedings, otherwise they shall be paid by the company, and the payment of the amount of the final judgment of the court shall vest in the company a full and complete title for the lands thus taken.

Sec. 4. To aid said company in the construction and equipment of its said road, it shall be entitled to receive from the State an equal amount of lands and to enjoy equal privileges with any other railroad company in this State, except the Mississippi and Pacific Railroad Company, and it shall be subject to the restrictions and entitled to all the benefits of all general laws for the construction, regulation and government of railroads in this State; provided, said company shall not be entitled to receive from this State any lands for any portion of said road completed after the expiration of ten years from the passage of this act.

Sec. 5. The capital stock of said corporation shall be at least equal to all its investments and the value of all its property, real, personal and mixed, and it may be increased or diminished by the company from time to time to suit its circumstances and interests, and it shall be divided into shares of one hundred dollars each, which shall be deemed personal property,

and it may be subscribed for, issued, transfered and forfeited in such manner and at such times and places as may be determined by the company, and in the transaction of the business of the corporation, each share shall entitle its owner to one vote, which may be given by himself or proxy as he may desire.

Sec. 6. The said corporation is hereby authorized to make agreements and form connections with such other companies as it may deem fit, and when such companies may be so united by agreements properly entered into and recorded in the office of the Secretary of State of this State, they shall be regarded as one corporation, with all the rights, immunities and privileges necessary to accomplish their objects, not inconsistent with the Constitution and laws of the United States or any of the States in which their operations may be carried on.

Sec. 7. The said corporation is hereby invested with authority to enter into agreements and to make contracts, not only with individuals but with States, counties, cities, towns and other organized bodies or corporations, for the negotiation of bonds and loans, the sale or purchase of capital stock or other property, or for work to be done, and all such agreements and contracts properly made with counties, towns, cities or other corporate or organized bodies in this State, shall be binding upon the same and all of the citizens or members thereof.

Sec. 8. The said Chambers shall have authority to act as Commissioner, with full power to organize said corporation, which shall be done within two years from the passage of this act, and as such he shall also have full power to attend to and control all the affairs and interests and to transact all the business of the company, until it may be fully organized under this charter and its own by-laws, and if at least twenty-five miles of said road shall not be completed within three years, this charter shall be forfeited.

Sec. 9. This act shall have effect from its passage.

Approved, February 11, 1854.

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#### CHAPTER LXXXIV.

An Act for the Relief of certain Persons therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Landoffice be,

and he is hereby required to issue unconditional certificates, each for one league and one labor of land respectively, to the following named persons, to-wit: Alexander McKenzie, Sarah Blythe the widow of Sion Blythe, Rebecca Edwards, Burwell J. Thompson, Sterrett D. Smith, Samuel C. Belden, Thomas Denson, William S. Blount, Joshua J. Hall, José Antonio Gutierrez, Bartholomew Gates, John Lewelyn; also, three hundred and twenty acres of land each to the following, to-wit: Jacob Harrison, Calvin J. Fields, E. R. Myers, W. G. Tumlinson, Benjamin Adair, Kemp Alford, Shelby Glass, Nicholas Rosseau, J. E. Chimenes, Hugh Anderson, the heirs of D. K. Torry, the heirs of Thomas S. Torry, Garrett Fitzgerald, G. F. A. Wrede, John Crist, Adrian Anglin, William R. Jones, Abram G. Compton, James Veasy, E. F. Moore, Conrad Deiterich, Owen Adkins, the heirs of James M. Torry, Isham McMillan, and the same to V. S. Kellogg; also, six hundred and forty acres of land each to the following, to-wit: Nicholas C. Butler, L. A. Aadms, administratrix of William L. Adams, deceased; James Nelson, the heirs of Cyrus Lovelady, Rebecca Jane Fisher, William M. Gilleland, Elisha T. Robinson, James P. Collins, Jonathan S. Lee, Lindsey Lewis, William P. Roberts, Marianna Hutchinson, widow of Anderson Hutchinson, B. R. Houghton, Jacob Long, Richard Williams; also, one-third of a league of land each to the following, to-wit: M. G. Carrico, Joseph Thompson, Thomas G. Allen, Andrew Dorsheimer, James G. Eldridge, G. Clinton Frarley, J. C. Phelan, William Spavin, Charles Lydings, Demetrius Hays, and the same amount to the heirs of George W. Farris, deceased; also, to the heirs of Mathias Cooper, who was killed at the battle of San Jacinto. Also, twelve hundred and eighty acres of land each to the following, to-wit: John Jordan, Elizabeth Smith, Frances Wilson, formerly Frances Robinson, Anthony Deffenbaugh; also, eleven hundred and fifty-six acres to Bartlett G. Ridens; also two-thirds of a league of land each to the following, to-wit: William D. Harrison, William G. Miller, Cyrus Wickson; also, six hundred and twenty-eight acres of land to Robert Cunningham; one labor of land to the heirs of James Thompson, deceased; and the same to the heirs of Levi West, deceased; nine hundred and sixty acres of land to the heirs of Sebastian Francois, deceased; eight hundred and thirty-six acres of land to Samuel G. Norvel; one league and one labor of land to the heirs of William E. Proberty, deceased; one league of land to the heirs of William H. Smith, deceased: one league and one labor of

land to the heirs of John Hibbins, deceased; one league and one labor of land to the heirs of Charles Thompson, deceased; one league and one labor of land to the heirs of Sarah Smith, alias Sarah Rugg, deceased. Also, three hundred and twenty acres of land to the heirs of William W. Norvall, deceased; three hundred and twenty acres of land to the heirs of John Mills, deceased; three hundred and twenty acres of land to the heirs of Lawson Mills, deceased; three hundred and twenty acres of land to the heirs of Lewis Rousseau, deceased. Also, six hundred and forty acres of land to the heirs of Robert A. Walker, deceased. Also, one-third of a league of land to the heirs of Henry A. Peters, deceased; one-third of a league of land to William E. Dundas; one-third of a league of land to Charles Murharts, deceased, heirs of—and that amount to John M. Rine; one-third of a league of land to the heirs of Montgomery Baxter, deceased; one-third of a league of land to Marian Woodard, deceased; one-third of a league of land to the heirs of Richard Connell, deceased; one-third of a league of land to the heirs of Samuel Sprague, deceased; one-third of a league of land to the heirs of Thomas Samuel, deceased. Also, six hundred and forty acres of land each, to Thomas Graham and Beriah Graham, to be located in Mercer's colony. Also, one-third of a league of land to Norman Austin, and the certificate heretofore issued to the heirs of said Austin, hereby declared void. Also, four certificates for six hundred and forty acres each, to Ben. F. Hill, Thomas Stone Veitch, Francis C. Wilson and Mathew P. Woodhouse. That upon return of field-notes of surveys heretofore made by by virtue of any one, or all of the headrights of said Hill, Veitch, Wilson and Woodhouse, patents shall issue thereon; provided, the same do not conflict with vested rights of other parties. Also, two-thirds of a league and one labor to Eli M. Thomason. Also, to James L. Dallas, three hundred and twenty acres; Jesse L. McCrocklin, one hundred and seventy-seven acres; William H. Scott, one-third of a league of land; Sarah Ursey, one league and labor of land; Mary A. Freeman, six hundred and forty acres; Margaret Kennedy, one league and labor; heirs of Diego Perez, one league and labor; James E. Black, six hundred and forty acres; William Sellers, three hundred and twenty acres; John W. Clark, six hundred and forty acres; B. F. Bradford, one-third of a league; Samuel Vesey, six hundred and forty acres; heirs of William R. Dickinson, one quarter of a league; Earl Pearce, twelve hundred and eighty acres; Horatio Pearce, six hundred and forty acres; heirs of Wil-

liam B. Miles, three hundred and twenty acres; heirs of Elisha J. Abel, six hundred and forty acres; Jesse Walling, one league and labor; A. J. Walker, one-third of a league; Mary Cheneworth, six hundred and forty acres; William Dunlap, three hundred and twenty acres; heirs of John Short, one league and one labor; A. T. Burnley, one league and one labor; John Walker, six hundred and forty acres as donation land, for being in the battle of San Jacinto; also, to the same, a bounty certificate for 320 acres; Mary Lassiter, one league and one labor; W. C. Anderson, six hundred and forty acres; Daniel Parker, Jr., one-third of a league; William Burkett, three hundred and twenty acres; heirs of James H. West, one-third of a league; John H. King, three hundred and twenty acres; C. R. Perry, six hundred and forty acres; John Dobbin, three hundred and twenty acres; Money Weatherford, six hundred and forty acres; John Hagarty, two certificates, for six hundred and forty acres each, in lieu of the same amount of land script destroyed by fire; Mary L. Austin, six hundred and forty acres; James Rust, three hundred and twenty acres; Maclin S. Stith, six hundred and forty acres; heirs of James D. Jennings, one-third of a league; Juliana Herrero, one league and labor; Hugh McLeod, six hundred and forty acres; Cornelius Delgado, one league and labor; George R. Billips, six hundred and forty acres; John Fisher, six hundred and forty acres; Abel L. Eaves, two-thirds of a league and one labor; Nicholas Benevidis, three-fourths of a league; Bridget Fadden, for one league and labor; William Rupley, one-third of a league, in lieu of certificate No. 1065, issued by the Board of Land Commissioners of Harrisburg county, which appears of record.

Sec. 2. That said Commissioner be, and he is hereby authorized and required to issue a patent to Iredell and Nancy Reding, for one league and labor of land, on a location and survey made by virtue of said Iredell's headright certificate. Also, to peter K. Wagner, a patent for six hundred and forty acres of land, in Peters' Colony, located by virtue of a certificate for so much land issued to John Wagner, as agent of said Peter K. Wagner. Also, to Thomas Johnson, a patent for six hundred and forty acres of land, on return of field-notes, made by virtue of his own headright certificate. That said Commissioner be authorized and required to cancel a certain patent issued to B. B. Castleberry, 12th May, 1841, for twelve hundred and eighty acres of land, and in lieu thereof, issue another patent to said Castleberry, so that the same may cor-

respond with the survey made by William S. Wallace, Deputy Surveyor, for the same amount of land as designated to him.

Sec. 3. That A. S. Ruthven be, and he is hereby authorized to raise the location heretofore made in Fisher & Miller's Colony, by virtue of certificate No. 150, issued by the Commissioner of said colony, and to locate the same on any other vacant lands in said colony.

Sec. 4. That the warrants or certificates heretofore issued to Thomas G. Allen or T. G. Allen's heirs, for six hundred and forty, nineteen hundred and twenty, and one-third of a league of land be, and the same are hereby declared null and void.

Sec. 5. That the Adjutant-General be, and he is hereby required to issue to Thomas G. Allen one bounty land warrant for six hundred and forty acres, and another for nineteen hundred and twenty acres of land; also, bounty land warrants of three hundred and twenty acres each, respectively, to David Mumford, Robert Carlisle and James Jackson. Also, to Samuel Sprague, a donation certificate for six hundred and forty, and a bounty land warrant for nineteen hundred and twenty acres of land. Also, the Commissioner of the General Landoffice to issue to the heirs of Christopher Chaney, a certificate for one league and labor of land, which certificate shall stand in lieu of lost certificate, No. 20, issued by the Board of Land Commissioners of Grimes county, the evidence of which was destroyed by fire at the time the courthouse of Grimes county was burned, and that nothing herein shall be construed so as to affect the rights of other parties. Also, one league and one labor to Archibald Thompson or his heirs.

Sec. 6. That nothing herein contained shall be so construed as to authorize the Commissioner of the General Landoffice to issue a certificate to any party where it shall appear that the parties applying have received the amount of land to which they were entitled. Said certificates, when issued, shall be located, surveyed and patented as other first class certificates, and that this act take effect and be in force from and after its passage.

Passed, February 13, 1854.



## CHAPTER LXXXV.

An Act supplemental to an act supplemental to an act to Incorporate the San Antonio Railway Company, approved September fifth, eighteen hundred and fifty.

Section 1. Be it enacted by the Legislature of the State of Texas, That the San Antonio and Mexican Gulf Railroad Company shall be, and are hereby invested with the power of continuing their road from the City of San Antonio on the nearest practicable route to intersect with the Mississippi and Pacific Railroad, west of the Red Fork of the Colorado river, under the same restrictions and conditions as are imposed by the original charter to which the above recited act is a supplement; provided, said company shall abandon all right of branching said road as provided for in the original charter.

Sec. 2. That in all cases where the San Antonio and Mexican Gulf Railroad shall pass through any public lands, all such lands to the depth of three miles from the extension line of the track, on each side thereof, shall be reserved by the State from and after the time such track shall be fixed or designated by actual survey, and the said lands, as the road is constructed, shall be divided into sections fronting one mile each, the road plainly marked, and of these reserved lands, the company shall have the right by virtue of the certificates issued in accordance with the provisions of the above recited supplemental act, or of any other act of the Legislature of this State, to cause to be located, surveyed and patented for their use, each alternate section, such section in each instance embracing a tract of land fronting one mile, pursuing an equal width to the depth of three miles, and the remaining sections shall continue the property of the State until disposed of by the legislature.

Sec. 3. That the route of said road and point of connection with the Mississippi and Pacific Railroad, shall be determined by actual survey, and a map of said road exhibiting its location shall be filed with the Secretary of State within twelve months after the survey and location of the route of the Mississippi and Pacific Railroad through Texas, or in default thereof, all the rights and privileges granted by this supplemental act shall cease and no longer exist.

Sec. 4. That in case the San Antonio and Mexican Gulf Railroad Company shall accept the benefits of this act, they shall no longer have the privilege of branching said road, and if forty miles of said San Antonio and Mexican Gulf Railroad

be not completed and equipped within two years from the passage of this act, their said charter shall become null and void, and said company shall forfeit all their rights and privileges.

Sec. 5. That the franchise of said San Antonio and Mexican Gulf Railroad Company, in case they accept the benefits of the provisions of this supplemental act, shall cease and determine at the end of ninety-nine years, and said company shall not be allowed to receive any lands by virtue of the provisions of the above recited supplemental act, or of this act, after ten years from and after the passage of this act.

Sec. 6. That this act take effect and be in force from and after its passage.

Approved, February 13, 1854.

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#### CHAPTER LXXXVI.

##### An Act to Incorporate the Sabine and Lake Fork Bridge and Turnpike Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That A. J. Hunter, Harmon Husbands, Gilbert Yarborough, William Wilburn, and their associates and successors be, and they are hereby created a body corporate and politic, by the name and style of "The Sabine and Lake Fork Bridge and Turnpike Company," and by that name shall be capable in law to sue and be sued, plead and be impleaded, to make contracts, and may have a common seal, and use, alter, or break the same at pleasure, and shall be authorized to bind themselves by contract, with or without seal, and may hold and own property, real, personal, or mixed, which shall never exceed an amount necessary to carry into effect the objects for which said corporation is created.

Sec. 2. That the said corporation is hereby invested with the right of constructing, owning and maintaining a turnpike road, with such bridges or ferry boats as may be necessary, across the Sabine river and bottom, and the Lake Fork of the Sabine river and its bottom, on the most direct and convenient route from Quitman, in the county of Wood, to Canton, in the county of Van Zandt; and said company shall have the right of

way through any lands belonging to the State through which said road may pass, not to exceed one hundred feet in width, and shall have the right to use any earth, stone, or timber, on said public lands that may be necessary in constructing said road, bridges, or boats, and shall also have the right to appropriate any lands belonging to individuals through which said road may pass, not exceeding one hundred feet in width, by paying the owner thereof such amount therefor as they may agree upon; and in the event they can not agree upon the amount to be paid by said company, either party may apply to a Justice of the Peace, who shall summon a jury of six good and lawful men, and proceed to try the matter in issue, and give such judgment as the verdict of the jury may require, and upon said company's satisfying such judgment, it shall vest the right to the land in controversy in said company; provided, the amount of damages does not exceed one hundred dollars; in that event either party may apply to the District Court of the county in which the land may lie, which court shall proceed to trial and judgment as in other like cases; and should the judgment be against said company, they shall be compelled to satisfy the same before they use said land; and when said sompany shall settle said judgment, or if said judgment shall be rendered in their favor, then the right to said land shall vest in them.

Sec. 3. The said company shall be compelled to bridge and causeway said rivers and bottoms thereof, or keep ferry boats at the main streams, so that their said road shall be passable in safety at all stages of water. And when so completed, said company shall apply to the County Courts of Wood and Van Zandt counties, whose duty it shall be to appoint two Commissioners each, citizens of their respective counties, whose duty it shall be to examine said road, bridges, causeways and boats, as the case may be, and upon their report being made jointly to each of said Courts, that said road is so constructed as to be passable in safety at all stages of water, said company shall be allowed to erect a toll gate at such point on said road as they may choose, at which they shall be allowed to charge and collect the following rates of toll, from all persons passing over said road, until altered by the joint action of the two County Courts above mentioned, to wit: For each wagon or other vehicle, with more than two horses or one yoke of oxen, one dollar; for all other vehicles, fifty cents, including the driver in each case; for every person riding, for animal and rider, ten cents; for every person on foot, five cents; for loose horses,

mules or cattle, five cents per head; for sheep, goats, hogs, or other animals not herein enumerated, three cents per head.

Sec. 4. That the Commissioners that may be appointed by the County Courts aforesaid to examine and report upon said turnpike road, bridges, &c., shall be allowed two dollars per day for the time they may be necessarily engaged in the performance of said duty, to be paid by said company before they shall be allowed to collect any tolls upon said road.

Sec. 5. That the said road and all the causeways thereon shall be of sufficient width for two wagons and teams to pass each other with convenience and without danger.

Sec. 6. That said company shall commence the construction of said turnpike, road and bridges, or boats, as the case may be, within twelve months from the passage of this act, and shall complete the same in a good and substantial manner, so as to be passable in safety at all stages of water, within five years from the passage of this act, or this charter shall be forfeited and become null and void.

Sec. 7. That upon a compliance of said company with the provisions of this charter, in the time therein specified, all the privileges hereby granted shall ensue to said company, their successors or assigns, for the term of twenty years from and after the completion of the said road, bridges, causeways, &c., as herein provided for.

Sec. 8. That the said A. J. Hunter, Harmon Husbands, Gilbert Yarborough and William Wilburn, and all those persons whom they may associate with them, shall be invested with all the rights and privileges granted by this charter; provided, that the persons above named shall make out two correct lists of the names of all persons they may associate with them, and return the same to the County Courts of Wood and Van Zandt counties; and said courts shall have said lists of names and the object of their association recorded by their respective clerks, the fees for which shall be paid by said company; and said associates, whose names shall be so recorded, shall be equally bound with the persons named in this charter for all contracts made by said company, and shall enjoy the same rights, privileges and benefits that the said parties named in this act can enjoy in said charter and its franchises.

Sec. 9. That the Commissioners appointed by the County Courts aforesaid, for the purpose of examining said road, shall hold their appointments for the term of two years, and shall examine and report upon the condition of said road once every three months, and oftener if requested to do so, to the said

courts at each quarterly term, or to the Chief Justice in vacation; and if said road shall be reported out of repair, the Chief Justice of the county in which the portion of said road that is out of repair may be situated shall issue his order requiring said toll gate to be kept open, and no toll collected until said road shall be reported to be repaired and in good condition for travelling.

Sec. 10. That the County Courts of said counties shall not have the privilege of establishing a public road across said Lake Fork of Sabine within two miles of said bridge during the existence of this charter.

Sec. 11. That this act shall take effect and be in force from and after its passage.

Approved, February 13, 1854.

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## CHAPTER LXXXVII.

### An Act to Incorporate the Town of LaGrange in the County of Fayette.

Section 1. Be it enacted by the Legislature of the State of Texas, That the people of the town of LaGrange, in the county of Fayette, be, and they are hereby declared a body politic and corporate, under the name and style of the Town of LaGrange, and by that name may sue and be sued, plead and be impleaded, may hold and dispose of real, personal and mixed estate, and do and perform all other matters generally pertaining to corporations.

Sec. 2. That all of that tract of six hundred and ninety-six acres in said county known as the town tract of said town, being part of the John H. Moore half-league, and all that tract of five hundred acres known as the new town tract, joining the above and being a part of the John Eblin league, and all that tract of twenty acres on the Colorado river, heretofore deeded by said Eblin to Samuel Ward, and all the land lying between said twenty acre tract and said five hundred acre tract, to include a tract of sixty-four acres, more or less, laid out by Wm. M. Lygon and N. W. Faison, out of J. H. Moore's half league, as an addition to the old town, shall comprise the town of LaGrange.

Sec. 3. That in all suits brought against said town, process shall be served upon the Mayor, and in all suits by or against the same, the Mayor may make all affidavits or oaths and execute all bonds or any other instruments needed in the due prosecution or defence of said suits.

Sec. 4. There shall be elected for said town a Mayor, six Aldermen and a Constable. At any time after the passage of this act, the Chief-Justice of said county may cause an election to be held for said officers under the superintendence of some one named in his order, by giving ten days previous notice by posting an advertisement upon the courthouse door in said county, which election shall be conducted according to the law governing elections in this State. The returns of the same shall be made to said Chief-Justice, and said officers shall be commissioned by him. The first officers elected shall hold their offices until the next regular election for county officers and until their successors shall qualify. At the next regular election of county officers after said election, another election for said officers shall be held, and regularly thereafter at every regular election for county officers, and in all cases, the officers shall hold their offices until their successors qualify. Before entering upon the discharge of their duties, all of said officers shall take and subscribe the same affidavit as required by law for county officers.

Sec. 5. If a vacancy should occur by death, resignation or otherwise, in either of said offices, the Town Council shall have power to fill the same, and the person appointed shall hold the office until the next regular election. Should any officer remove beyond the limits of the corporation, he shall thereby vacate his office, and the Council shall have power to pass such laws as they may deem proper, defining what shall constitute the vacation of either of said offices. If a vacancy in all of said offices should at any time happen, an election to fill them may be ordered by the Chief-Justice, in the manner pointed out in the preceding section, and the officers elect shall hold their offices as therein specified.

Sec. 6. No person shall be eligible to hold office in said corporation who may not be at the time of his election or appointment a qualified elector under this charter, and also a freeholder or a householder within the limits of said corporation.

Sec. 7. Every free white male of twenty-one years of age, being a citizen of the United States, who may have resided for six months next preceding an election within the limits of

said corporation, shall be deemed a qualified elector under this charter.

Sec. 8. The Mayor and Aldermen shall constitute the Town Council; provided, that the Mayor and three Aldermen, or five Aldermen, shall constitute a quorum to do business; and provided further, that any three or more of said Council, if the remaining offices be vacant, shall have the power to fill vacancies.

Sec. 9. That the Mayor and Aldermen of said corporation shall have power to levy, assess and collect a license tax on all vocations subject to taxation under the laws of the State; provided, the license tax for retailing spirituous liquors in quantities less than one quart, shall not exceed the sum of five hundred dollars per annum.

Sec. 10. The Town Council shall have power to pass such laws as they think proper for the government of the corporation and the property therein. They shall also have power to regulate their own proceedings, shall have entire control over the streets, squares, alleys and police of the town, may regulate the markets, remove nuisances and obstructions in the streets and alleys, may establish offences, assess and collect fines; provided, no fine shall exceed one hundred dollars, and shall have general control over the whole corporation.

Sec. 11. Said Council shall also have power to levy and collect a tax upon all persons and property, real, personal and mixed in said corporation; provided, the same shall not for any one year exceed one per cent. ad valorem on property. They may also levy and collect a license tax on all taverns, tippling houses, nine and ten pin alleys and billiard tables in the corporation, and upon all ferries, one bank of which is in the corporation. Said taxes shall be assessed and collected by the Constable, under such regulations as the Council may prescribe, and if any person shall fail or refuse to pay the taxes assessed against him or his property within the time prescribed by the Council, the Mayor shall issue execution against him or her for the amount of tax and the costs, and the same proceedings shall be had under said execution as are provided in the law governing executions in this State.

Sec. 12. All the property of said corporation shall be under the control of the Council, and they may sell, lease and exercise every other act of ownership over the same; they may also purchase property in the corporate name, but in no other.

Sec. 13. The Mayor in said corporation shall have and exercise the full jurisdiction, civil and criminal, of a Justice of the

Peace, and shall be entitled to the same fees; he shall also in a summary manner try all offences against the laws passed by the Council without a jury, give judgment and issue executions for the same; for the transaction of civil business, he shall hold a court on the third Saturday in each month, for the trial of criminal offences against the laws of the State and for all violations of the laws of the corporation, he may hold his court as often as he thinks proper.

Sec. 14. All executions issued by the Mayor shall be returnable in sixty days, and shall be directed to the town Constable.

Sec. 15. The Constable shall give bond and security in such sum as the Council may direct for the faithful performance of his duties, shall have the same power as other Constables and shall receive the same fees, except for assessing and collecting the taxes, for which he shall receive such compensation as the Council may allow.

Sec. 16. This act shall take effect and be in force from its passage.

Approved, February 13, 1854.

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## CHAPTER LXXXVIII.

### An Act to Incorporate Church Hill Male and Female Academy.

Section 1. Be it enacted by the Legislature of the State of Texas, That John Robertson, John Strong, Samuel Masson, Jackson Pryor, Anderson W. Smith, Newel Tullis and William P. Wright, and their successors in office be, and they are hereby constituted a Board of Trustees of an institution of learning, at Church Hill, in Rusk county, which said institution is hereby incorporated by the name of "Church Hill Academy," by which name it may sue and be sued, buy and sell property, both real, personal and mixed, hold and enjoy the same, and have a common seal for the transaction of its business.

Sec. 2. That a majority of said Trustees shall constitute a quorum to do business: they shall have power to make such by-laws and regulations as they may think necessary for the government of said institution and its finances; provided, such by-laws and regulations are not in violation of the Constitution and laws of the United States and of this State. They shall



also have power to elect their own officers, and to appoint and dismiss upon good cause all professors and teachers of said institution; it shall require a majority of the board to dismiss the President, and in case of death or removal, to elect his successor.

Sec. 3. The board of Trustees shall hold their offices during good behavior, and in case of death, resignation, permanent absence or inability to perform the duty of a Trustee, they shall have power to fill a vacancy.

Sec. 4. That said board shall have power to regulate and fix the salaries of all officers connected with said institution, and to regulate the price of tuition and the length of sessions.

Sec. 5. That the President of the academy shall be ex-officio President of the board, and shall have power to convene said board whenever he may think proper, but shall have no vote except in cases of a tie, and no other member of said board shall hold any office in said institution. Provided, that in case the President should refuse to call the board together at any time, upon the application of a majority of the board, they shall have the right to do so, and elect a President pro tem.

Sec. 6. That all donations and bequests to said institution shall be good and binding, although the corporate name of the same may not have been properly stated in the instrument by which said property may be conveyed.

Sec. 7. That the seal of the corporation, with the attestation of the Secretary and signature of the President, or in his absence, of a majority of the board of Trustees, shall be sufficient to authenticate any act of the corporation.

Sec. 8. That said Institution shall not, at any time, hold more than fifty thousand dollars worth of property, over and above the institution buildings and ground on which they may be situated, and said board shall have full power and authority to do and perform all acts necessary to carry out the intention of this act.

Sec. 9. That this act shall take effect from and after its passage.  
Approved, February 13, 1854.

CHAPTER LXXXIX.

An Act granting to John J. Grumbles the privilege of erecting a Grist, Flour Manufacturing, Saw and Planing Mill on a portion of the reserved lands of the State contiguous to the City of Austin.

Section 1. Be it enacted by the Legislature of the State of Texas, That the State of Texas hereby grants to John J. Grumbles the privilege of establishing and using a steam manufactory on that portion of the public domain fronting on the Colorado river between Lavaca and Colorado streets, extending to the channel of the river opposite block number four (4), on the map of the said city of Austin, together with the privilege of using the water of said river necessary to carry on said steam manufactory, for securing and receiving produce, timber, rafts, &c., and for transporting and shipping manufactured materials across or on the waters of said river, subject to the restrictions hereinafter enacted. Provided that nothing in this act shall be so construed as to authorize the said Grumbles to encroach upon or in any way obstruct any street or sidewalk, now or which may hereafter be marked out in the said city of Austin, or obstruct the free navigation of said river; and provided, further, that nothing in this act shall give a ferry privilege to said Grumbles, without obtaining the usual license, except for the accommodation of persons going to and from said mill. Provided, further, that nothing in this act contained shall be so construed as to take away or impair any of the rights or powers of the corporation of the city of Austin, heretofore conferred upon said corporation by virtue of its charter-acts.

Sec. 2. That the said John J. Grumbles shall commence and complete all the buildings, and put into operation all the machinery necessary to carry on said manufactory by the first day of January, A. D. 1855; and should the said Grumbles violate or fail to comply with any of the provisions of this act, then the privilege herein granted, and all control over said lots shall revert to the State.

Sec. 3. That the provisions of this act shall remain in full force and effect for the period of ten years, after which time all the privileges and rights herein granted shall revert to the State of Texas.

Sec. 4. That this act shall take effect and be in force from and after its passage.

Approved, February 13, 1854.

## CHAPTER XC.

## An Act for the relief of James McGloin.

**Section 1.** Be it enacted by the Legislature of the State of Texas, That the premium certificates issued to John McMullen and James McGloin, by the District Court of Travis county, on the twenty-second day of October, 1850, being five, for one league of land each, and one for eight labors, and the locations made by virtue of the same, are hereby declared to be valid; and any Surveyor of this State is hereby required to survey the same, and the Commissioner of the General Landoffice is directed to issue patents thereon to said McMullen and McGloin, or their assignees. Provided, this act shall not be construed so as to affect the rights of any third party, heretofore acquired by virtue of any valid grant, survey, location or entry heretofore made, nor shall said certificates be located or patented on any public lands reserved from location by the existing laws of this State.

**Sec. 2.** That this act take effect from and after its passage.

Approved, February 13, 1854.

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CHAPTER XCI.

An Act to amend the sixth section of an act entitled An Act to Incorporate the Town of Independence, approved February 9, 1852.

**Section 1.** Be it enacted by the Legislature of the State of Texas, That the sixth section of the above recited act is hereby amended so that the same shall hereafter read as follows: "The fines imposed under the ordinances of said corporation shall in no case exceed the sum of one hundred dollars for any one offence; and the Mayor shall have power to call a jury for the trial of such offences, and to try the same in the same manner and under the same rules and regulations as Justices of the Peace may do under the laws of the State in the trial of offences cognizable before Justices of the Peace; and any person convicted may be committed to prison until the fine and costs are paid; provided, that the imprisonment shall in no case exceed thirty days in any one case."

Approved, February 13, 1854.

CHAPTER XCII.

An Act to Incorporate the Nueces and San Patricio Causeway Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That a company be, and is hereby incorporated, under the name and style of the "Nueces and San Patricio Causeway Company," to be governed by the rules and regulations hereinafter provided; and that said company shall constitute a body corporate and politic, and under the name of the President and Secretary shall be competent to contract for, buy, receive, hold and possess all kinds of property that may be necessary for the purposes for which said corporation is created, and to make all contracts and to do all things necessary to effect the end for which said company is incorporated; to sue and be sued in the name of the President and Secretary of said corporation; and to have a seal, and shall have the power to make such by-laws, rules and regulations, not conflicting with this act, nor the laws and Constitution of this State, or of the United States.

Sec. 2. That said company shall have the right to make a causeway from Nueces county to San Patricio county, between the bays of Nueces and Corpus Christi, across what is known and called the Reef. Said causeway to be made in a good and substantial manner, to be raised above the level of ordinary tides, to be bridged over a sufficient number of the runs or sloughs so as not to prevent a free passage of the water from one bay to the other with the rise and fall of the tide, and to build a draw bridge across the run that is now known and called the Dug Out, of a sufficient width for the passage of such boats as may be suitable for the navigation of said bays and Nueces River.

Sec. 3. That on the first day of April, eighteen hundred and fifty-four, the Chief-Justice of Nueces county shall open books for stock in said company, at the office of the Clerk of the County Court of Nueces county, when and where any person may subscribe such number of shares as he or she may desire to take in the aforesaid company, the shares being estimated at fifty dollars each, and the number of the shares to be limited to five hundred, so the capital stock of said company shall not exceed twenty-five thousand dollars; and as soon as fifty shares shall have been subscribed, it shall be the duty of the county Court of Nueces county to cause notice thereof to be given to

the Stockholders, in a newspaper published in Nueces county, notifying said Stockholders to meet at the city of Corpus Christi, on some day specified, not less than ten nor more than twenty days thereafter.

Sec. 4. That on the day appointed, said Stockholders shall meet and choose a President and Secretary, and such other officers as they may deem requisite, and to enact such by-laws, rules and regulations as may be necessary for the government of said company, which shall be recorded in the County Clerk's office in the county of Nueces; after which they shall be considered a body corporate, and may sue and be sued, by said President and Secretary being made plaintiffs or defendants as the case may be. That the Stockholders shall have the privilege of voting agreeable to the number of shares which they may own, and may vote by proxy.

Sec. 5. That the shares of each Stockholder may be sold by the company for the payment of assessments on the shares subscribed by them, in accordance with the by-laws of said company, or they may be sold, transferred, or assigned by the Stockholders themselves on the books of the corporation, but not otherwise.

Sec. 6. That said company shall have the exclusive occupation of the reefs and bottoms of the bays on and near said causeway, for the distance of one hundred rods on each side of said causeway, with the privilege of using the shells, sand, earth, or mud thereon, for the construction of said causeway and bridges, and the keeping of the same in good repair after the construction and acceptance thereof. That said company shall make a substantial beginning or commencement to build or construct said causeway by or before the first day of April, A. D. eighteen hundred and fifty-five, and shall have the same finished and inspected within four years thereafter in accordance with the requirements of the second section of this act, and in case of failure on the part of said company to construct said causeway, this act shall be null and void and of no effect.

Sec. 7. That on the completion of said causeway, it shall be the duty of the Chief-Justice of Nueces county at the request of said company to appoint three Commissioners, whose duty it shall be to inspect said causeway and bridges; and if said Commissioners shall find the same completed in accordance with this act, they shall give said company a certificate of the fact, upon the receipt of which said company may erect a toll gate on said causeway, and may receive and collect toll, not exceeding the following rates, to-wit: for all carriages and wa-

gons, twenty-five cents per wheel, and five cents per head for the team attached thereto, and six cents per head for each passenger thereon; for man on horse, twenty-five cents; for each footman, ten cents; for loose horses, mules and cattle, ten cents per head; for hogs, sheep and goats, three cents per head, and for all other things not herein enumerated at the same rate.

Sec. 8. That the Commissioners appointed under this act shall hold their offices for one year, and until their successors are appointed by the Chief-Justice aforesaid, and it shall be their duty at any time when said causeway shall be out of order and unfit for travel, to report the same to the Chief-Justice of said Nueces county; and if said report is sustained, said Chief-Justice shall direct said toll gate to be thrown open, and so continue until said causeway and bridges shall have been put in order by said company; further, it shall be the duty of said Commissioners to visit said causeway once every year, during the month of January, for which they shall receive two dollars per day to be paid by the company.

Sec. 9. That if any person travelling on said causeway, or crossing said bridges, shall wilfully go round said toll gate for the purpose of avoiding the payment of the tolls levied by this act, he shall forfeit and pay to said company five dollars and costs of suit for every offence, to be recovered before any Justice of the Peace within whose jurisdiction said person may be found; and the collector of tolls, who shall be under oath for the faithful performance of his duties, shall be a lawful officer to serve any process for the apprehension of any person evading his toll dues. Provided, that the privilege granted under this charter shall not extend for a longer period than thirty years.

Sec. 10. That this act take effect and be in force from and after its passage.

Approved, February 13, 1854.

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## CHAPTER XCIII.

### An Act for the Relief of Richard M. Collins.

Section 1. Be it enacted by the Legislature of the State of Texas, That the patent numbered 517, issued by the Governor and Commissioner of the General Landoffice to Robert M. Collins, for six hundred and forty acres of land, on Urania Creek,

in the county of Travis, be so altered and amended as to read: that the grant of said tract of land be, and the same is hereby made to Richard M. Collins, instead of Robert M. Collins; and this act shall take effect and be in force from and after its passage.

Approved, February 13, 1854.

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#### CHAPTER XCIV.

##### An Act for the Relief of Reuben Fisher.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Adjutant General of the State be, and he is hereby authorized and required to issue to Reuben Fisher a certificate for six hundred and forty acres of bounty land, to be located upon any vacant and unappropriated lands within this State.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved, February 13, 1854.

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#### CHAPTER XCV.

An Act Supplementary to an act to Incorporate the City of Corpus Christi, approved February sixteen, eighteen hundred and fifty-two.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Mayor and Aldermen of the city of Corpus Christi shall have power to pass such by-laws, rules and ordinances as they may deem necessary for the suppression and punishment of all assaults and battery, affrays, riots, routs and unlawful assemblies, breaches of the peace and such other by-laws and regulations as may be necessary to preserve order and suppress vice and immorality within the limits of said corporation; provided, that the penalties imposed shall in no case exceed a fine of one hundred dollars and imprisonment for thirty days.

Sec. 2. That the Mayor of said city shall hold court at such time in said City as he shall appoint; the said court to be called the City Court of Corpus Christi, and that the said court shall have and exercise all the powers of a Justice of the Peace within the limits of said corporation, and shall have jurisdiction of all cases under the by-laws, rules and ordinances of said city, with full and ample judicial powers to enforce the same.

Sec. 3. That the Mayor and Board of Aldermen shall appoint a City Marshal and as many assistants as they may deem necessary, whose duty it shall be to execute all process, orders and decrees of the City Court, and to perform such other duties as may be imposed on him or them by the by-laws, rules and ordinances of said corporation.

Sec. 4. That the Mayor and Aldermen of the corporation of the City of Corpus Christi be, and they are hereby authorized and empowered to employ the necessary number of engineers, surveyors, superintendents and laborers to effect the removal or avoidance of the mud-flats or sand-bars between Corpus Christi and Aransas Bays or the Gulf of Mexico.

Sec. 5. That the Mayor and Aldermen of the City of Corpus Christi, or their agents under them, shall have power to enter in and upon, and survey, mark out, and appropriate for effecting the object herein contemplated, any lands which may be required for the purpose of deepening the present channel over what is known as the mudflats between Aransas and Corpus Christi Bays, or constructing a canal across Mustang Island, if the said corporation should deem it advisable to cut a Canal to the Gulf of Mexico from Corpus Christi Bay: provided, that the land so required shall not exceed one hundred yards in width.

Sec. 6. That said Mayor and Aldermen shall have power and authority to appropriate to the improvement of the harbor and channel of Corpus Christi, any money in the Treasury of said City of Corpus Christi not otherwise appropriated: that said corporation shall have power to borrow money on their bonds or notes, at such rates and time as said corporation shall deem expedient: which bonds or notes shall be signed by the Mayor and Secretary of said corporation, and may acquire by purchase or donation such real estate as the said Mayor and Board of Aldermen shall think desirable for the purpose of aiding in the construction of the improvements herein contemplated, and such real estate acquired by the corporation may be alienated or mortgaged by a vote of a majority of the Al-



dermen for the construction or maintenance of said improvements; said alienation or mortgage shall be signed by the Mayor and Secretary of said corporation; provided, however, that nothing in this act shall be construed so as to confer banking privileges.

Sec. 7. That said Mayor and Aldermen shall levy and collect reasonable tolls on all steamboats, sail vessels or other crafts, plying between Corpus Christi and Aransas Bay, through the channel constructed by said corporation, until a sufficient amount shall have been thus raised, and no longer, to reimburse with twelve and a half per cent. interest on the amount expended by said corporation in the constructing of said improvements, and also for the payment with interest of the loan or loans which may have been made to effect the said improvements; provided, that not more than (5) five cents per barrel of four cubic feet, shall be charged on all freights passing through said channel, but not then until the said corporation shall deepen said channel to five feet in ordinary tides; provided, that the privileges granted under this charter shall not be extended for a longer period than fifty years.

Sec. 8. That said Corporation of the City of Corpus Christi shall not charge tolls upon any vessels hereinbefore enumerated, until the Chief-Justice of Nueces county shall appoint three competent navigators to examine said improvements and upon their certificate that said channel or canal has been deepened to five feet at ordinary tides, and completed in a good and substantial manner and ready for use, the Chief Justice aforesaid shall give information of that fact to the Mayor, who shall advertise the same thirty days before the corporation shall commence the collection of tolls.

Sec. 9. Should any person or persons wilfully and maliciously obstruct or injure said channel or canal or any of the works belonging to said corporation, such person or persons shall be liable to pay double the amount of damages sustained, to be recovered by said corporation before any court of competent jurisdiction, and any vessel using said canal or channel and refusing to pay the toll established, such vessel shall be held liable for double the amount of the current rate to the corporation, and the vessels and owners shall be held liable until the payment is made.

Sec. 9. That the Mayor and Aldermen of said City shall have power to impose and provide for the assessment and collection of an ad valorem tax of one dollar upon every one hundred dollars worth of property in said City, annually for three

years, and fifty cents upon every hundred dollars worth of property thereafter, and a poll tax of one dollar to be paid by every free white male inhabitant of said City, before he shall be allowed to vote at any election of officers for said City.

Sec. 11. That it shall be the duty of the said Mayor and Board of Aldermen to appropriate the money raised under the tenth section of this act to the purpose of defraying the expense of building a school house and furnishing it, and of procuring books, maps, charts, chemical and philosophical apparatus, and the payment of the salaries of teachers, who shall be employed by said Board to instruct all children in said corporation who may be not less than five nor more than seventeen years of age.

Sec. 12. That no tax shall be assessed or imposed by the Mayor and Aldermen of said City as provided for in the tenth and eleventh sections of this act, unless two-thirds of the qualified voters, being owners of real estate within the limits of said City, shall vote for the adoption of the provisions of this act authorizing such taxation, and that in order to decide upon such question of taxation, an election shall be held in said City on the first Monday in May, 1854, which shall be conducted in the same manner as in elections for Mayor and Aldermen of said City, and that all laws and parts of laws conflicting with this act be, and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved, February 13, 1854.

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## CHAPTER XCVI.

### An Act for the Relief of James H. Tom.

Section 1. Be it enacted by the Legislature of the State of Texas, That the northern boundary line of Austin county be, and the same is hereby so changed as to include the present residence of James H. Tom in the county of Washington, and this act shall not be so construed as to change the present county line between said counties in any other manner.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved, February 13, 1854.

## CHAPTER XCVII.

**An Act to Incorporate San Antonio Lodge, Number Eleven, of the Independent Order of Odd Fellows.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the officers and members of San Antonio Lodge, Number Eleven, of the Independent Order of Odd Fellows, located and established at the city of San Antonio, in Bexar county, and their successors shall be, and they are hereby declared to be a community, corporation and body politic by the name and style of "San Antonio Lodge, Number Eleven, Independent Order of Odd Fellows," and by that name they and their successors shall, and may at all times hereafter be capable in law to have, receive and retain any property or estate, real or personal, by gift, purchase, devise or bequest, and such property or estate at their pleasure to sell, transfer or dispose of, and generally to manage and control in such manner as they may think proper.

Sec. 2. The corporation, by the name and style aforesaid, shall be capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended against, in all and every court in this State, and before all or any of the Judges, officers, or other competent persons whatsoever, in all actions at law, or suits in equity, in and about all things whatsoever.

Sec. 3. The said corporation may have a common seal for their use, and the same at their will to change, alter or make anew, from time to time as they may think best, and shall, in general, have and exercise all such rights, privileges and immunities as are by law and custom incident to, and necessary to corporations of a similar character; and that this act take effect from its passage.

Approved, February 13, 1854.

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CHAPTER XCVIII.**An Act to Incorporate the Rock Creek Bridge and Turnpike Company.**

Section 1. Be it enacted by the Legislature of the State of Texas, That Benjamin N. Hampton, and such other persons

as the said Hampton may associate with himself, are hereby incorporated under the name and style of "The Rock Creek Bridge and Turnpike Company." That they and their successors shall constitute a body politic for the period of ten years; that under their corporate name they shall be competent to contract for, buy, receive, hold and possess any property, either real or personal, that may be necessary for the purposes which this act contemplates, that they may have power and authority to sue and be sued, and to make their own rules and regulations for the keeping in repair said bridge and turnpike, which they have already erected across Rock creek in the county of Hopkins, in the State of Texas, at the crossing of said Rock Creek on the route leading from Tarrant in Hopkins county to Jefferson in Cass county.

Sec. 2. That it shall be the duty of said company to keep said bridge and turnpike in good repair, for the period of the duration of this corporation or charter, and that said company shall have the right of charge on persons, carriages, horses, cattle, sheep or other stock, such rates of toll as have already been allowed to the said Hampton by an order of the county court of said Hopkins county; provided, that the county court of Hopkins county shall, at all times, have the right to regulate the tolls on said turnpike.

Sec. 3. That the county court of Hopkins county shall not, at any time during the period of this corporation or charter, establish or suffer to be established a public crossing on said Rock Creek, within two miles of the one herein contemplated.

Sec. 4. That if any person shall wilfully fail or refuse to pay the tolls after crossing said bridge and turnpike, he shall be liable to forfeit and pay to said company the sum of five dollars and the costs of suit; that said company shall be held liable for all damages that may accrue to any person or their property, in crossing said bridge and turnpike, in consequence of the same being in bad repair, or from any bad management or wilful misconduct of said company, or any agent or agents of said company.

Sec. 5. That this act take effect and be in force from and after its passage.

Approved, February 13, 1854.

## CHAPTER XCIX.

## An Act to incorporate the Red River and Texas Insurance Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That an insurance company by the name and style of the "Red River and Texas Insurance Company," shall be, and the same is hereby established, the capital stock of which shall not be less than seventy-five thousand dollars, divided into shares of one hundred dollars each.

Sec. 2. That subscription for shares in the capital stock of said company shall be opened in the town of Clarksville, in Red River county, on the first Monday in March, 1854, under the superintendence of Ambrose K. Ellett, Simpson H. Morgan and James H. Darnell, or a majority of them, and on the same day in the town of Paris, in Lamar county, under the superintendence of George W. Wright, Isaiah W. Wells and Jacob Long, or a majority of them, and on the same day in the town of Boston, in Bowie county, under the superintendence of Solomon H. Parkey, John W. Leigh and John A. Talbott, or a majority of them, and on the same day in the town of Bonham, in Fannin county, under the superintendence of Alfred E. Pace, Stephen D. Rainy and Samuel A. Roberts, or a majority of them, and shall remain open until the sum of seventy-five thousand dollars shall be subscribed.

Sec. 3. That the payments of said subscriptions shall be made and completed by the subscribers in the manner following, to-wit: one-tenth part thereof at the time of subscribing; one-tenth part thereof as soon as the said company shall go into operation as insurers; each of which payments shall be made in gold or silver; and the remainder at such times and in such amounts as the President and Directors of said company shall from time to time require, the payment whereof to be secured by deeds of trust on real estate, to be taken at two-thirds of its cash value, to be ascertained by the appraisers to be appointed by the Chief Justice of the county in which such real estate is situated, which real estate shall be conveyed to trustees, to be appointed by the President and Directors of said company, who shall have full power to sell the same at public auction to the highest bidder, for cash, within thirty days after the instalment or instalments have been required by an order of the said President and Directors; the said trustee or trustees having first given twenty day's notice of the time and

place of sale, by advertisement published in some newspaper printed in any one of the aforesaid counties. Provided, always, that no stockholder shall be held liable for more than the sum he has subscribed for stock.

Sec. 4. That the subscribers to the said stock, their successors and assigns, are hereby created a body corporate and politic, by the name and style of the "President and Directors of the Red River and Texas Insurance Company," and shall so continue until the first day of January, 1875, and by that name are hereby made able and capable in law to have, purchase, receive, possess, enjoy, and retain to them and their successors lands, rents, tenements, hereditaments, goods, chattels and effects of whatsoever kind, nature and quality, to an amount not exceeding in the whole five hundred thousand dollars, including the amount of the capital stock aforesaid, and the same to grant, devise, alien or dispose of; to sue and to be sued, plead and be impleaded, answer and be answered, defend and be defended in any suit, action, matter or thing depending in any court; and also to make, have and use a common seal, and the same to break, alter and sever at their pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations as they shall deem necessary and convenient for their government of said corporation, not being contrary to this act and the Constitution and laws of this State, and generally to do all acts, matters and things which to them may appear necessary or which shall or may appertain to them as incident to bodies corporate, subject, nevertheless, to the rules, regulations, restrictions, limitations and provisions hereafter prescribed.

Sec. 5. That for the management of the affairs of said company there shall be nine Directors annually elected at the office or house of business of said company, in the town of Clarksville, on the first Monday in January, in each and every year, by the qualified stockholders of the capital stock of said company, and by a plurality of votes then and there given. And the Directors so duly elected shall be capable of serving by virtue of such choice from the first Monday in the month of January until the end of the first Monday in the month of January next ensuing. And the Board of Directors annually at the first meeting after the election in each and every year, shall proceed to elect one of the Directors to be President of the corporation, who shall hold said office during the same period for which the Directors are elected as aforesaid. Provided, always, that the first election of the Directors and President of

the company shall be at the time and for the period hereafter declared; and provided, also, that if it should at any time happen that an election of Directors, or an election of President of the said company, should not be so made as to take effect on any day, when, in pursuance of this act they ought to take effect, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful at any other time to hold such election, and the manner of holding the elections shall be regulated by the laws and ordinances of said corporation, and until such election be held the President and Directors of the said company for the time being shall continue in office. And provided, further, that in case of death, resignation or removal of the President of the said company, or of his absence from this State, for more than three months, the Directors shall proceed to elect another President, from the Directors as aforesaid, and in case of the death, resignation, removal from office, or absence from the State for the space of three months, of a Director, the vacancy may be filled by a majority of the board.

Sec. 6. That as soon as the sum of seventy-five thousand dollars shall be subscribed, notice thereof shall be given by the Superintendents in such of the newspapers as may at that time be published in the counties of Bowie, Red River, Lamar and Fannin as they may deem expedient. And the said superintendents shall, at the same time and in like manner make known a time and place, in the town of Clarksville, at least twenty days from the time such notice is first published, for proceeding to the election of nine directors as aforesaid, and it shall be lawful for said election to be then and there held, and the persons who shall be elected as aforesaid shall be the first Directors of said corporation, and shall proceed to elect one of the Directors to be President of the same. And the Directors and President of said company, so elected, shall be capable of serving in their respective offices by virtue thereof, until the end and expiration of the first Monday in January next ensuing said election, and may then and thenceforth commence and continue the business of insuring, as hereafter declared.

Sec. 7. That said company shall have the right to insure produce and merchandize, of any kind and description that may be shipped down or up Red River, the Mississippi river, and all navigable rivers, bayous or lakes that empty into or are connected with either of said rivers; also storehouses, with the goods, wares and merchandize therein, dwelling-houses, mill-houses, and all other buildings, the lives of persons, and all

other matters and things that said company, acting through the President and Directors thereof may deem it expedient to insure, and shall receive for the risk thereby incurred such premiums as may be agreed upon by the parties insured and the said President and Directors.

Approved, February 13, 1854.

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## CHAPTER C.

An Act to be entitled An Act to Incorporate Newburn Academy.

Section 1. Be it enacted by the Legislature of the State of Texas, That Lewis Jones, William Lanier, Thomas Parker, Emzi Smith, C. T. Hilliard, E. M. Daggett, Samuel McAdams and Richard Yarborough and their successors in office be, and they are hereby constituted a Board of Trustees of an institution of learning, to be established at the town of Newburn, in the county of Shelby, which said institution is hereby incorporated by the name of Newburn Male and Female Academy, by which name it may sue and be sued, plead and be impleaded, and buy and sell property both real and personal, and hold and enjoy the same: the said Institution may have a common seal for the transaction of its business, which seal it shall have power to alter at pleasure; provided, in no case shall said Academy hold property, either real or personal, to exceed in value twenty thousand dollars.

Sec. 2. That five of the Trustees shall constitute a quorum to do business. They shall have power to make such by-laws and regulations as they may think necessary for the government of said Academy and its legitimate business; provided, such by-laws and regulations are not inconsistent with the Constitution of the United States and the Constitution and laws of this State; they shall also have power to elect their own officers. They shall also have power to elect a President of said Academy, who shall have authority to appoint or dismiss his assistants by a vote of any three members of said Trusteeship. It shall require a majority of the Board to dismiss or remove the President, or in case of the death or removal of the President, to elect a successor.

Sec. 3. The Board of Trustees shall have power to regulate and fix the salaries of all officers connected with said Institution.



Sec. 4. That the President of the Academy shall be ex-officio President of the Board of Trustees, and shall have power to convene said Board, by giving the Trustees one day's notice, in such manner as may be provided in their by-laws, but shall have no vote except in case of a tie, and no other member of the Board shall be eligible to any office or teacher in said Academy; provided, that in case the President should refuse to call the Board together at any time upon the application of at least three of the Board, then, and in that case, they shall have the right to do so and elect a President pro tem. to preside.

Sec. 5. That no religious test shall ever be required of any member of the Board, officer of the Institution or student.

Sec. 6. The Board of Trustees shall hold their offices for the term of four years, and in case of death, resignation, permanent absence or inability to perform the duty of a Trustee, they shall have power to fill the vacancy; provided, that if three of the members of the Board be at the time of filling of such vacancy members of the same denomination or sect, a fourth shall not be selected from the same sect; and be it further provided, that no member of the Board shall forfeit his right as Trustee in consequence of any change in his religious views or relations; and further provided, that five of the members of said Board shall be and reside within the limits of the county of Shelby.

Sec. 7. That all bequests or donations which shall be made to said Academy shall be good and binding, although the corporate name of the same may not have been properly stated by the person making such bequest or donation.

Sec. 8. That the seal of the corporation, with the attestation of the Secretary and the signature of the President, or in his absence, three of the Board of Trustees, shall be sufficient to authenticate any act of the corporation.

Sec. 9. The property of the corporation or its funds shall not be used for any other purpose than what is intended by this charter, viz: education.

Sec. 10. That no spirituous liquors or wines shall be sold or vended within two miles of said Academy, except for medical or sacramental purposes, under the penalty of a fine of not less than ten dollars nor more than fifty dollars, at the option of the Justice trying the same; provided, that this act shall not be so construed as to affect the right of any person who may now be employed in such traffic regularly licensed by law.

Sec. 11. That this act take effect from and after its passage.

Approved, February 13, 1854.

CHAPTER CI.

An Act to require the County Court of Cass County to reconvey to D. N. Alley certain Town Lots in the town of Jefferson, and the notes given to said county for any or all of said lots, which may have been sold by order of said County Court, which remain unpaid.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Cass county be, and they are hereby authorized and required to re-convey to D. N. Alley, all unsold lots which was donated by said Alley to said county for the purpose of building a courthouse for said county, and also to turn over to the said Alley all notes or bonds which may have been received by said county on account of the sale of any of said lots, which may remain unpaid, and after the re-conveyance, the right to such lots shall vest in the said Alley as though he had never transferred the same; and that this act take effect and be in force from its passage.

Approved, February 13, 1854.

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CHAPTER CII.

An Act to authorize and require the Commissioner of the General Landoffice to issue a patent to Margaret Kennedy.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Landoffice be, and he is hereby authorized and required to issue a patent to M. Kennedy, for the tract of land known on the map of Austin's Colony. (the big map) as No. 4, and marked to M. Kennedy, situated on Austin's Bayou, in Brazoria county, in accordance with the field notes on page 14 of Book H, containing field notes signed by Seth Ingram, part of the original English field notes of Austin's Colony.

Sec. 2. And this act shall take effect and be in force from and after its passage.

Approved, February 13, 1854.

## CHAPTER CIII.

An Act to change the name of Elizabeth Jane Sinclair, to Elizabeth Jane Hampton, and to authorize John C. Hampton to adopt her as his child.

Section 1. Be it enacted by the Legislature of the State of Texas, That the name of Elizabeth Jane Sinclair be changed to Elizabeth Jane Hampton, and that this act take effect so soon as John C. Hampton shall file in the office of the Clerk of the County Court where he resides, a statement in writing adopting the said Elizabeth Jane Sinclair as his own child.

Approved, February 13, 1854.

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CHAPTER CIV.

An Act for the Relief of Leslie Combs.

Section 1. Be it enacted by the Legislature of the State of Texas, That Leslie Combs be, and he is hereby authorized to present his claim against the late Republic of Texas, (not to exceed one hundred and thirty-seven thousand, two hundred and forty-six dollars and sixty-six cents, (\$137,246 66) principal and interst,) to the Auditorial Board for adjustment, and the Auditor and Comptroller shall proceed to scale and audit the same as other like claims, confining themselves to the provisions of an act to provide for ascertaining the liabilities of the late Republic of Texas, approved March the 20th, 1848. And the claim of the said Combs so scaled and audited shall be and is hereby placed in the same condition as other first class claims, as provided in an act providing for the liquidation and payment of the debt of the late Republic of Texas, approved January 31, 1852, and the same shall be paid under and in accordance with the provisions of the second section of said last resited act.

Sec. 2. This act take effect from and after its passage.

Approved, February 13, 1854.

CHAPTER CV.

An Act to Incorporate Mann's Bluff Turnpike Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That C. C. Carter, Thomas G. Davenport, Joseph Pelham, Samuel Burns, J. B. Turner, D. and W. W. McCartney, J. K. Williams, S. Holland, Henry Turney, Joseph Fite, G. B. Roberts and Wm. Davis and their associates and successors be, and they are hereby created a body politic under the name and title of Mann's Bluff Turnpike Company, and in that name may sue and be sued, be competent to buy, receive, hold and possess all kinds of property that may be necessary for the purpose for which said corporation is created; plead and be impleaded, may have a common seal, with full power to make contracts, to bind themselves with or without seal and to make their own by-laws and regulations, not conflicting with the provisions of this act, nor with the Constitution and laws of the State.

Sec. 2. That the interest of each member may be sold, transferred or assigned upon the books of the corporation, but not otherwise.

Sec. 3. That said company be invested with the right of locating, constructing, owning, maintaining and extending a Turnpike, with such branches as they may deem expedient, commencing on either bank of the Sabine river, at a point known as Mann's Bluff, in Panola county; and thence running to the Louisiana line in the most direct route to Shreveport, La., by way of Bethany, as said company may think best and most suitable, and may acquire by purchase or gift any real estate desirable in order to promote or hasten the constructing, repairing and maintaining said Turnpike, with all necessary buildings, and may build and maintain toll-gates for the collection of tolls on said road and river, at such places as they may deem proper.

Sec. 4. That this company be authorized and empowered to demand, to collect and receive from each and every person passing on said road through the Sabine bottom, viz: For each and every wagon with more than two horses, or one yoke of steers, twenty-five cents per wheel, including driver and team; all other wagons and pleasure carriages, fifty cents; for each horse, mule or other animal and rider, ten cents; for loose horses, mules and cattle, five cents per head; for each sheep, hog or goat, three cents per head; and for each man five cents.

Sec. 5. That such improvements as are necessary shall be made, through the Sabine bottom on either side of said Mann's Bluff, extending toward the Louisiana line, for which, when completed, toll gates shall be determined and regulated by the County Court of Panola county.

Sec. 6. That said company shall have the right of occupancy of the unappropriated land in the bottom of said river for the distance of fifty feet on each side of said road, from the said river to the hills, with the privilege of using the timber and dirt thereon for the construction of bridge and road and keeping the same in good repair.

Sec. 7. That should any person or persons pass over said river or road, drive any horses, mules, cattle or other animal mentioned above, or any wagon, carriage or other vehicle on or across the same, without paying toll for the same, or who may obstruct or damage said road, the said company shall have the right of action to recover such toll or damages sustained, in any court having competent jurisdiction.

Sec. 8. That said company shall enjoy and exercise their privileges herein granted for the term of thirty-five years from and after the passage of this act.

Sec. 9. That said company shall have five years from the passage of this act to complete said road through said bottom, and if it is not completed in the prescribed time, then this charter shall be forfeited.

Sec. 10. That this act take effect from its passage.

Approved, February 13, 1854.

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## CHAPTER CVI.

An Act granting lands in payment of an Allowance or Pension granted on eighteenth of December, eighteen hundred and thirty-seven, to the family of Erastus Smith, known in the history of Texas as Deaf Smith.

Section 1. Be it enacted by the Legislature of the State of Texas, That there be granted, out of the public lands, two leagues and two labors of land to the heirs of Erastus Smith, in discharge of the unpaid balance of an allowance or pension granted by the Republic, by a joint-resolution, on the eighteenth day of December, eighteen hundred and thirty-seven.

Sec. 2. That the Commissioner of the General Landoffice is hereby authorized and required to issue certificates for said land, in sections of six hundred and forty acres each, to the number of twelve, and that the remainder of said land be issued in three equal certificates, for the convenience of division among said heirs.

Sec. 3. That one-third part of said certificates be issued to Gertrude Taim, daughter of said Smith; and one-third part thereof to Simona Fisk, daughter of said Smith; and one-third part thereof to James G. Fisk and Ophelia Fisk, minor children and heirs of Susan, deceased daughter of said Smith; and that this act take effect from and after its passage.

Passed, February 13, 1854.

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## CHAPTER CVII.

### Joint Resolution for the Relief of the Contractor on Route No. 6287.

Whereas, the U. S. mail contractor on mail route No. 6287, from Austin to Waco Village, contracted to carry the mail on said line for four years from the first of July, 1850, at which time the country through which said line passed was sparsely settled, but has since settled with such rapidity, and the mails have increased to that extent that it has long since become not only impracticable but utterly impossible to carry the same on horseback, (the only kind of conveyance recognized by the Department at Washington.) These facts being known, in view of remedying the evil, the Legislature, in September, 1850, passed a resolution requiring the contractor on said line to convey the mails in coaches, and requesting our Senators and Representatives in Congress to urge upon the Postoffice Department the necessity of this increase of service, and that the Department allow increase of pay accordingly. And whereas, the contractor on said route did put on the additional service, and is now, and has been conveying the mail on said line in four-horse coaches, for which, in justice, the Department should allow pay in proportion to the pay allowed for similar services on other lines in this State; therefore,

Be it resolved by the Legislature, That the Governor is hereby requested to forward to our Senators and Representa-

tives in Congress, each, a copy of this resolution, requesting them to use their influence in Congress, or with the Postoffice Department, to have an increase of pay allowed, in proportion to pay allowed for similar services on other lines; and that this resolution take effect from and after its passage.

Approved, February 1, 1854.

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## CHAPTER CVIII.

### Joint Resolution.

Section 1. Be it resolved by the Legislature of the State of Texas, That our Senators in Congress be instructed and our Representatives requested to present the claim of C. J. Cooke and A. A. Lockwood, for damages to the amount of nine thousand nine hundred and seventy-five dollars and thirty cents, (\$9,975 30) being amount of goods and property, &c., destroyed by certain United States soldiers, on the night of the first day of July, A. D. 1850, at Fredericksburg, in the county of Gillespie, for the consideration of the next Congress of the United States, and urge the immediate appropriation of a sum sufficient to cover not only the amount herein set forth, but all other damages incident to the destruction of their goods and merchandize, &c.

Sec. 2. That the Governor be requested to forward a copy of this Joint Resolution to each of our Senators and Representatives in Congress; and that this resolution take effect from and after its passage.

Approved, February 6, 1854.

STATE OF TEXAS.

I, EDWARD CLARK, Secretary of State of the State of Texas, certify that the Fifth Legislature of said State commenced its session at the City of Austin, on Monday, the seventh day of November, in the year one thousand eight hundred and fifty-three, and adjourned on Monday, the thirteenth day of February, in the year one thousand eight hundred and fifty-four.

And I further certify, that the Acts and Joint Resolutions contained in this Volume are true copies, taken from the original rolls deposited in the Department of State, with which they have been carefully compared.

[L. S.]      Given under my hand and official seal, at the City of Austin, the tenth day of March, in the year one thousand eight hundred and fifty-four.

EDWARD CLARK.





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**GENERAL LAWS**

**OF**

**THE SIXTH LEGISLATURE**

**OF**

**THE STATE OF TEXAS**

**PASSED AT ITS**

**SESSION CONVENED NOVEMBER 5, 1855**

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**BY AUTHORITY.**

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**AUSTIN**  
**1856**





# GENERAL LAWS.

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## CHAPTER I.

### An Act to create the County of Parker.

Section 1. Be it enacted by the Legislature of the State of Texas, That all of the territory comprised within the following limits, to wit: beginning at the north-west corner of Tarrant county; thence south with the western boundary line of Tarrant county 30 miles to the south-west corner of Tarrant county; thence west with the northern boundary of Johnson county 30 miles; thence north 30 miles; thence east 30 miles to the place of beginning, be, and the same is hereby constituted a new county, by the name of the county of Parker.

Sec. 2. That the Chief Justice of Tarrant county shall, within three months after the passage of this act, lay off the said county of Parker in suitable election precincts in accordance with law, and shall within the said three months order an election for county officers, which election shall be advertised at three public places in the county of Parker, stating the times and places, which places shall be the different election precincts laid out by the Chief Justice of Tarrant county as herein before provided, which election shall be conducted in all other respects in accordance with the general laws governing elections, and in accordance with, "an act to provide for organizing new counties," approved, March 20th, 1848; and the said Chief Justice of Tarrant county shall qualify the person elected to the office of Chief Justice of the county of Parker, who, when qualified by the Chief Justice of Tarrant county, shall qualify the other officers elected for said county of Parker.

Sec. 3. That it shall be the duty of the county court of said new county, so soon as they are duly qualified, to proceed to locate the county seat of said county, by selecting at least three eligible sites, not exceeding three miles from the center of said county, having respect for any donation of land that may be made for that purpose, as well as convenience of wood and water, and when so selected, the Chief Justice shall order an

election which shall be conducted according to the general laws governing elections for county officers, and if at the first election neither of the sites so selected shall receive a majority of all the votes cast, the place receiving the smallest number of votes shall be thrown out, and the Chief Justice shall order another election as before, and so continue to do, throwing out the site receiving the smallest number of votes, until some one of the sites selected shall receive a majority of all the votes cast, which shall be declared to be the county seat of said county and shall be called Weatherford. That all settlers 21 years old who have resided within the limits of said county sixty days prior to said election, shall be entitled to vote for the location of the county seat.

Sec. 4. That in case the site which shall be declared to be the county seat of said county, shall prove to be vacant and unappropriated domain, then the State does by this act relinquish and donate to the said county of Parker all her right and title to 320 acres of the same, and the Commissioner of the General Land Office is hereby authorized to issue a patent in the name of the said county for the said 320 acres upon a return, according to law, of the plot and field notes of the same to the General Land Office, duly certified, and the said county court of said new county shall have the power to purchase, if necessary, land not to exceed 320 acres for the use of said county, (should the site selected as above provided prove to be appropriated land,) and shall lay off the site so selected into suitable lots, and after selecting and setting apart such suitable lots as may be necessary for a Court House, Jail, Clerk's Offices, Churches, School-houses and burying grounds, they shall proceed to sell the remainder, or such portion thereof, as they may deem necessary, at public auction at such time and upon such terms as will most conduce to the interests of the county, and shall apply the proceeds thereof to the erection of necessary public buildings for the use of said county.

Sec. 5. That the Chief Justice of Tarrant county shall be entitled to three dollars per day for every day that he is necessarily employed or detained in holding said elections and organizing said county of Parker.

Sec. 6. That all that territory west of the county hereby created and which was heretofore included within the limits of Tarrant county, shall be attached to and form a part of the territorial limits of said new county, and for all county and general purposes shall form a part of the same after the organization of said county and the location of the seat of Justice thereof.

Sec. 7. That this act take effect and be in force from and after its passage.

Approved, December 12th, 1855.

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CHAPTER II.

An Act to make valid Surveys made by the County Surveyor of Van Zandt County.

Section 1. Be it enacted by the Legislature of the State of Texas, That all surveys made in Van Zandt county by the county surveyor thereof, be and the same are hereby declared to be as valid as if made by a legally authorized surveyor, and as if said Van Zandt county had been a legal county, having the requisite number of square miles within its territory.

Sec. 2. That the Commissioner of the General Land Office is hereby required to issue patents upon said surveys, certified by the said county surveyor of said Van Zandt county, provided said surveys do not conflict with surveys or locations previously made, and provided further, that no survey shall be made valid by this act, which would have been invalid, if made by a legally authorized surveyor, and said county had embraced the requisite number of square miles within its territory.

Sec. 3. That this act take effect from and after its passage.

Approved, December 12th, 1855.

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CHAPTER III.

An Act for the relief of the Hon. A. W. O. Hicks, Judge of the fifth Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Honorable A. W. O. Hicks, Judge of the fifth Judicial District, shall have a leave of absence from the State for the term of three months, at such time as he may desire within the next two years, provided that his absence shall not prevent him from holding the sessions of the several District Courts of his district at the times required by law.

Sec. 2. That this act take effect from its passage.

Approved, December 12th, 1855.

## CHAPTER IV.

An Act making Appropriations to pay the expenses of Volunteers called into the service of the State, for the protection of the Frontier, and for other Volunteer service.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following sums be, and the same are hereby appropriated to pay the expenses of the company of volunteers commanded by Capt. James H. Callahan, which was called into the service of the State by His Excellency the Governor for the protection of the frontier, and for the volunteers who went to his aid under command of Captains Benton and Henry, viz: for pay, mileage, subsistence, forage, &c., including pay of surgeon for Capt. Callahan's Co. the sum of sixteen thousand, ninety-one dollars and twelve cents.

For pay, mileage, subsistence, forage, &c., for Captains Benton and Henry's companies, the sum of five thousand, seven hundred (and) fifty-five dollars and twenty-two cents.

Sec. 2. That the Governor be and he is hereby authorized to appoint some suitable person, who shall, upon giving bond and security in such sum as the Governor may require, be authorized to draw from the Treasury of the State the sums above appropriated for the pay and mileage of said companies, and shall repair at such times and to such place or places as the Governor may direct, and then pay said companies the amounts that may be due them for their respective terms of service, agreeable to existing laws regulating the pay of mounted troops in the United States service, making a proper return thereof to the Comptroller, and it shall be the duty of said person thus appointed, to receive and receipt for all articles of public property which may be turned over to him by the officers of said companies, and to dispose of the same for the benefit of the State, according to such directions as may be given to him by the Governor, making a due return thereof to the Governor.

Sec. 3. That the Pay-Master, so appointed, is hereby authorized to examine and pay such amounts for Quarter-Master's stores, camp and garrison equipage, ordinance stores, forage, transportation, one surgeon's medicines, &c., as may be presented in proper form, duly certified to by the respective Commanders of companies. Provided, That no amount, or any item in any amount, shall be allowed or paid, which are not allowed by the regulations of the United States army, nor shall any horses or property claimed to be lost, be paid for by said Pay-Master, unless the value thereof shall be clearly certified to by the

appraising officers according to law; and an affidavit of the commanding officer shall, in every case, be required, stating that the property claimed for was lost in battle.

Sec. 4. That the sum of one hundred dollars be, and the same is hereby appropriated to carry into effect the above 2nd section.

Sec. 5. That the Governor be authorized to take such steps as may be necessary to secure the payment of the sums herein appropriated by the Government of the United States to the State of Texas.

Sec. 6. That this act take effect from and after its passage.

Approved, December 17th, 1855.

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## CHAPTER V.

### An Act to regulate the Sessions of the Supreme Court.

Section 1. Be it enacted by the Legislature of the State of Texas: That the term of the Supreme Court now in Session in the City of Austin, be and the same is hereby extended until the end of the third week in January A. D. 1856, and the said Court may continue in Session until that time unless the business shall be sooner disposed of.

Sec. 2. That the next term of said Supreme Court at Galveston, shall commence on the first Monday in February eighteen hundred and fifty-six, and may continue in Session ten weeks unless the business shall be sooner disposed of; but this act shall only apply to the next term of said Court, and all the future terms of said court at Galveston shall commence and be holden under the laws now in force fixing the commencement and duration of the terms of said court.

Sec. 3. That the next term of the Supreme Court at Tyler shall commence on the fourth Monday in April 1856, and may continue in Session until the expiration of the time now fixed by law for the duration of the terms of said Court, but this Act shall apply only to the next term of said Court at Tyler; and all future terms thereof shall commence and be held under the laws now in force regulating the same.

Sec. 4. All appeals and writs of error, and other writs returnable to either the Galveston or Tyler branches of said Supreme Court, shall be returnable to the terms as established by this Act.

Sec. 5. That this Act take effect and be in force from and after its passage.

Approved 18th December, 1855.

## CHAPTER VI.

An Act legalizing the creation of Van Zandt County.

Section 1. Be it enacted by the Legislature of the State of Texas: That the county of Van Zandt be, and is hereby declared a legal county, without reference to the extent of its meets and bounds.

Sec. 2. That this Act take effect from and after its passage.

Approved the 18th of December 1855.

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CHAPTER VII.

An Act to change the Sixth and Ninth Judicial Districts of the State of Texas and to define the time of holding Courts therein.

Section 1. Be it enacted by the Legislature of the State of Texas: That the following counties shall compose the sixth Judicial District viz: Wood, Upshur, Harrison, Panola and Rusk.

Sec. 2. That the District Courts of the sixth Judicial District shall be held as follows viz: In the county of Wood on the first Mondays in February and August, and may continue in session two weeks. In the county Upshur on the second Mondays after the first Mondays in February and August, and may continue in session two weeks. In the county of Harrison on the fourth Mondays after the first Mondays in February and August, and may continue in session six weeks. In the county of Panola on the tenth Mondays after the first Mondays in February and August, and may continue in session three weeks. In the county of Rusk on the thirteenth Mondays after the first Mondays in February and August, and may continue in Session five weeks.

Sec. 3. That the following counties shall compose the ninth Judicial District, viz: Houston, Cherokee, Anderson, Henderson, Kaufman, Van Zandt and Smith.

Sec. 4. That the District Courts of the ninth Judicial District shall be held as follows viz: In the county of Houston on the first Mondays of March and September, and may continue in session two weeks. In the county of Cherokee on the second Mondays after the first Mondays in March and September, and may continue in session four weeks. In the county of Anderson on the sixth Mondays after the first Mondays in March and September, and may continue in session three weeks. In the

county of Henderson on the ninth Mondays after the first Mondays in March and September, and may continue in session one week. In the county of Kaufman on the tenth Mondays after the first Mondays in March and September, and may continue in session one week. In the county of Van Zandt on the eleventh Mondays after the first Mondays in March and September, and may continue in session one week. In the county of Smith on the twelfth Mondays after the first Mondays in March and September, and may continue in session two weeks.

Sec. 5. That all process returnable to, and cases triable at the regular terms of the District Courts of the sixth and ninth Judicial Districts as now provided by law, shall be returnable to and triable at the regular terms thereof respectively as herein prescribed.

Sec. 6. That all laws and parts of laws coming in conflict with this Act, be and they are hereby repealed, and that this Act take effect from and after its passage.

Approved 18th of December 1855.

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## CHAPTER VIII.

An Act to create the sixteenth Judicial District and define the times of holding Courts therein.

Section 1. Be it enacted by the Legislature of the State of Texas: That the sixteenth Judicial District shall be composed of the following counties, to wit: Collin, Grayson, Cooke, Denton, Wise, Parker, Tarrant, Johnson, Ellis and Dallas.

Sec. 2. That the District Courts shall be held in said District at the following times and places viz: In the county of Collin on the third Mondays after the fourth Mondays in March and September, and may continue in session two weeks. In the county of Grayson on the fifth Mondays after the fourth Mondays in March and September, and may continue in session two weeks. In the county of Cooke on the seventh Mondays after the fourth Mondays in March and September, and may continue in session one week. In the county of Denton on the eighth Mondays after the fourth Mondays in March and September, and may continue in session one week. In the county of Wise on the ninth Mondays after the fourth Mondays in March and September, and may continue in session one week. In the county of Parker on the tenth Mondays after the fourth Mondays in March and September, and may continue in session one



week. In the county of Johnson on the eleventh Mondays after the fourth Mondays in March and September, and may continue in session one week. In the county of Ellis on the twelfth Mondays after the fourth Mondays in March and September, and may continue in session two weeks. In the county of Tarrant on the fourteenth Mondays after the fourth Mondays in March and September, and may continue in session two weeks. In the county of Dallas on the sixteenth Mondays after the fourth Mondays in March and September, and may continue until the business is disposed of.

Sec. 3. That all writs and other process of every kind, that have been or may hereafter be issued from the District Courts of any of the counties named in this Act, shall be returned to the terms of said Courts as established by this Act; and all such process and writs, shall have the same force and effect as if they had originally been so returnable, and that all cases of appeals from the decisions of the District Courts in this District shall be to the branch of the Supreme Court at the City of Austin.

Sec. 4. That the Governor be, and he is hereby required to order an election to be held in said District, on the first day of February next, for the election of a District Judge and District Attorney, and that said election shall be conducted in all respects according to law.

Sec. 5. That all laws and parts of laws contrary to the provisions of this Act, be, and the same so far as they conflict with the provisions of this Act, are hereby repealed, and that this Act take effect and be in force from and after its passage.

Approved 19th December 1855.

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## CHAPTER IX.

An Act making an appropriation of Ten thousand dollars to defray the Contingent expenses of the Sixth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas: That the sum of Ten thousand dollars, or so much thereof as may be necessary be, and the same is hereby appropriated to pay the contingent expenses of the sixth Legislature; and that this Act take effect from its passage.

Approved 22d December 1855.

CHAPTER X.

An Act to authorize the Clerk of the District Court of Washington County to transcribe certain records therein named.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Clerk of the District Court of Washington county, be and he is hereby authorized and required to transcribe into a well bound book, to be furnished by the county court of Washington county for that purpose, the minutes of the District court of said county, contained in book, "D," and when the same shall have been examined and approved by the county court of said county, the same shall have all the force and effect in law and equity, that the original could or should have, and all certified copies taken from the same shall be as valid and have the same force and effect as if taken from the original.

Sec. 2. That the said Clerk shall receive such compensation for his services as shall be allowed and paid by said county court, not to exceed fifteen cents for each hundred words so transcribed.

Sec. 3. That this Act take effect and be in force from and after its passage.

Approved 8th January 1856.

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CHAPTER XI.

An Act granting the consent of the State of Texas to the United States to construct Break-Waters, Jettys, Dams, and other Improvements on the Coast of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the United States may exercise all power, rights and privileges necessary for the erection and construction of break-waters, jettys, dams and other works for the improvement of harbors, bays, arms of the sea and mouths of the rivers in this State as the United States may deem proper, and to take from the public domain of the State, and from private individuals, on paying just compensation, all stones, timber and earth necessary for such purposes, and to enact all such laws, not being contrary to the Constitution and laws of this State, as may be found necessary and proper for the protection of such works when constructed; Provided the Governor of the State shall have notice of all such contemplated works before the same are commenced, and no work shall be commenced unless the Governor gives his consent to the same.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved, January 8th, 1856.

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## CHAPTER XII.

An Act for the relief of Harrison County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be and he is hereby authorized and required to issue a patent upon field notes No. 259 for one half league of school land made for the county of Harrison; and that this act take effect and be in force from its passage.

Approved, January 8th, 1856.

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## CHAPTER XIII.

An Act to validate an election to be held in the fourteenth Representative District, comprised of the Counties of Cass and Titus.

Section 1. Be it enacted by the Legislature of the State of Texas, That an election, to be held on the fourteenth day of January, 1856, in the fourteenth Representative District of the State, composed of the counties of Cass and Titus, under and in accordance with a Proclamation of the Governor, of the date of December 28th, 1855, to fill the vacancy occasioned by the resignation of J. C. Guy, is hereby validated and declared to be as legal in all respects, so far as the time and manner of holding such election and returning and counting the votes, and issuing the certificate of election are concerned, as if such election were held in strict compliance with the provisions of the laws regulating election now in force.

Sec. 2. (That) this act shall be in force from and after its passage.

Approved, January 9th, 1856.

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## CHAPTER XIV.

An Act to fix the salary of the Governor.

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the passage of this act, the annual

salary of the Governor of the State of Texas, shall be three thousand dollars.

Sec. 2. That this act shall take effect from and after its passage.

Approved, December 20th, 1855.

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CHAPTER XV.

An Act to authorize the County Court of Dallas County to levy an additional tax for the purpose of building a Courthouse.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county court of Dallas county is hereby authorized and empowered to levy an additional tax upon real and personal property of all persons subject to taxation in said county of Dallas, for the purpose of building a courthouse in said county; which shall be assessed and collected as other taxes are; Provided the tax hereby authorized to be assessed or levied, shall not exceed the amount of the State tax in any one year.

Sec. 2. That this act shall continue in force two years from and after its passage and no longer.

Sec. 3. That this act take effect from and after its passage.

Approved, January 9th, 1856.

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CHAPTER XVI.

An act to change the name of Martha R. Eppinger to Martha R. Bonner.

Section 1. Be it enacted by the Legislature of the State of Texas, That the name of Martha R. Eppinger be changed to Martha R. Bonner, and that this act take effect from and after its passage.

Approved, January 9th, 1856.

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CHAPTER XVII.

An Act to Authorize Agents and Attorneys at Law to make Affidavits in certain cases.

Section 1. Be it enacted by the Legislature of the State of Texas, That whenever in the commencement or progress of any

suit or judicial proceeding, it may be necessary or proper for any party to such suit or proceeding to make an affidavit therein, such affidavit may be made by an Agent or Attorney at Law of the party to such suit or proceeding, and any affidavit so made by such Agent or Attorney shall have the same force and effect as if made by the principal.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Passed, January 11th, 1856.

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#### CHAPTER XVII.

An Act making an Appropriation for the per diem pay and mileage of the Members of the sixth Legislature, and the per diem pay of the Officers of the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of seventy-five thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated for the per diem pay and mileage of the members, and the per diem pay of the officers of the sixth Legislature of Texas, convened at Austin, on the 5th day of November, A . D., Eighteen Hundred and Fifty-Five, and that the certificate of the Secretary of the Senate and the Chief Clerk of the House of Representatives, shall be authority for the Comptroller to draw on the Treasurer for the several amounts that the members and officers are respectively entitled to, and that this act take effect from and after its passage.

Approved, January 14th, 1856.

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#### CHAPTER XIX.

An Act supplementary to "An Act to change the sixth and ninth Judicial Districts, and to define the time of holding Courts therein.

Section 1. Be it enacted by the Legislature of the State of Texas, That the provisions of an act, entitled, "An Act to change the sixth and ninth Judicial Districts, and to define the time of holding the Courts therein," passed during the present session of the Legislature, shall not be so construed as to prevent the Judge of the sixth district from holding the Fall Terms of the District Courts for eighteen hundred and fifty-five, in the

counties of Panola and Harrison of said District, as required by law, as it aforesaid was, regulating the times of holding Courts in said District.

Sec. 2. That this act take effect from and after its passage.

Approved, January 14th, 1856.

---

## CHAPTER XX.

An Act to provide for the payment of six Companies of Mounted Volunteers that were mustered into the service of the State of Texas on the first day of November, A. D., 1854, under a requisition of Brevet Major General Persifer F. Smith, and to pay the expenses incurred by said Companies.

Section 1. Be it enacted by the Legislature of the State of Texas, That each and every commissioned, non-commissioned officer, farrier, blacksmith, musician and private who belonged to the six companies of mounted volunteers mustered into the service of the State of Texas, on the first day of November, A. D., 1854, shall be entitled to pay for three months service therein.

Sec. 2. That the monthly pay of the commissioned officers, non-commissioned officers, farrier, musicians, blacksmiths and privates shall be the same as that subsequently paid by the United States to said companies.

Sec. 3. In all cases where any member of said companies shall have died since being mustered into said service, payment of the amount due him under the provisions of this act shall be made to his executors or administrators, and if the said decedent should have no administrator, payment of the amount due him shall be made to the father, or mother, or legal representatives of said decedent, upon certificate of the Chief Justice of the county from which said decedent volunteered, that no administration had been had upon the said estate.

Sec. 4. That each and every one of the persons appointed by the Governor of the State of Texas, under his proclamation of the 18th day of August, A. D., 1854, to receive said six companies of mounted volunteers at the places of rendezvous designated in said proclamation, shall be entitled to receive fifty dollars for his services.

Sec. 5. That the sum of six thousand dollars or so much thereof as may be necessary, be, and the same is hereby appropriated for the payment of the balance of accounts contracted

by the said six companies, which remain unpaid out of the appropriation made by the Congress of the United States for that purpose.

Sec. 6. That the additional sum of fifty-five thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any monies in the Treasury not otherwise appropriated, for the purpose of carrying the provisions of this act into effect.

Sec. 7. That the Governor of the State of Texas shall appoint some suitable person to receive said appropriations from the Treasurer of the State, and to pay out the same to the persons entitled thereto; and the person so appointed, shall enter into bond with one or more sureties for the faithful performance of his duties, and shall be entitled to receive such compensation therefor as the Governor shall think right and proper, to be paid out of said appropriation.

Sec. 8. That said disbursing agent shall be authorized to pay out of the appropriation made by the sixth section of this act, any account duly certified by the proper officers, for expenses incurred in the furnishing, camp equipage, and in the transportation of baggage from the several places of rendezvous to the place where said companies were mustered into the service of the United States: Provided that in no case shall a greater sum than six dollars per day be allowed for the service of any waggon and team engaged in said transportation.

Sec. 9. That this act shall take effect from and after its passage.

Approved, January 14th, 1856.

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## CHAPTER XXI.

An Act to re-organize the Eighth Judicial District and define the time of holding Courts therein.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of "An Act entitled An Act to amend the eighth and ninth sections of an act to establish the Judicial Districts of the District Courts," approved February 26th, 1848, be amended so as to read as follows: That the counties of Red River, Bowie, Cass, Titus, Hopkins, Hunt, Pannin and Lamar, shall compose the eighth Judicial District.

Sec. 2. That the District courts in said District shall be held in the several counties therein at the time herein specified, to-

wit: In the county of Red River, on the last Mondays in February and August, and may continue in session two weeks; in the county of Bowie, on the second Mondays after the last Mondays in February and August, and may continue in session two weeks; in the county of Cass, on the fourth Mondays after the last Mondays in February and August, and may continue in session three weeks; in the county of Titus, on the seventh Mondays after the last Mondays in February and August, and may continue in session two weeks; in the county of Hopkins, on the ninth Mondays after the last Mondays in February and August, and may continue in session one week; in the county of Hunt, on the tenth Mondays after the last Mondays in February and August, and may continue in session one week; in the county of Fannin, on the eleventh Mondays after the last Mondays in February and August, and may continue in session two weeks; in the county of Lamar, on the thirteenth Mondays after the last Mondays in February and August, and may continue in session two weeks.

Sec. 3. That all writs and process that have been, or may hereafter be issued from any of the District courts mentioned herein, shall be considered as returnable, and shall be returned to the terms as established by this act, and have the same force and effect as if the same had originally been made so returnable, and that all recognizances and bonds entered into by any person or persons in said courts with reference to the period of their respective sessions under the laws heretofore in force, shall be and the same are hereby made obligatory upon the parties with reference to the terms of said courts respectively, as prescribed by this act.

Sec. 4. That the provisions of all laws or parts of laws conflicting with this act, be and the same are hereby repealed, and that this act be in force from and after its passage.

Approved 14th January, 1856.

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## CHAPTER XXII.

An Act to remove the Land Office of the Milam Land District from Cameron in Milam County, to Belton in Bell County.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be the duty of the District Surveyor of the Milam Land District, to cause all the records, maps and other documents belonging to or in anywise connected with the Land



Office of the Milam Land District, together with the desks, tables and other furniture belonging thereto, to be removed to the town of Belton, in Bell county, as soon as practicable, and the said Land Office shall remain and be kept in said town until otherwise provided for by law.

Sec. 2. That all laws and parts of laws conflicting with the provisions of this act, be, and the same is (are) hereby repealed, and that this act take effect and be in force from and after its passage.

Approved 16th January, 1856.

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### CHAPTER XXIII.

#### An Act to define the time of holding the District Courts in the Thirteenth Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas, That the District Courts of the Thirteenth Judicial District, shall commence in the county of Brazos on the first Mondays in March and September, and may continue in session one week.

In the county of Robertson on the second Mondays in March and September, and may continue in session one week.

In the county of Falls, on the third Mondays of March and September, and may continue in session one week.

In the county of Limestone on the fourth Mondays in March and September, and may continue in session one week.

In the county of Hill on the first Mondays after the fourth Mondays in March and September, and may continue in session one week.

In the county of Navarro on the second Mondays after the fourth Mondays in March and September, and may continue in session two weeks.

In the county of Freestone on the fourth Mondays after the fourth Mondays in March and September, and may continue in session one week.

In the county of Leon on the fifth Mondays after the fourth Mondays in March and September, and may continue in session two weeks.

Sec. 2. Be it further enacted, That all process which has been issued and made returnable to the several Courts of said District, shall be and are (is) hereby made returnable to the said courts respectively, at the periods of their session, as speci-

fied in this Act, and that all recognizances and bonds entered into by any person or persons in said courts, with reference to the period of their respective sessions under the laws heretofore in force, shall be and the same are hereby made obligatory upon the parties with reference to the terms of said courts as specified by this Act.

Sec. 3. That all laws and parts of laws relative to the time of holding courts in the Thirteenth Judicial District, be and the same are hereby repealed, and that this act be in force and effect from and after its passage.

Approved 16th January, 1856.

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#### CHAPTER XXIV.

An Act to establish the Western boundary line of Tyler County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Eastern boundary line of Polk county as defined in an act, entitled, an act creating the county of Polk, approved March 30th, eighteen hundred and forty-six, be, and the same is hereby declared the Western boundary line of Tyler county, and this act shall take effect and be in force immediately.

Approved 16th January, 1856.

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#### CHAPTER XXV.

An Act to provide for a special election for Judge of the First Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas, That in consequence of the vacancy in the office of Judge of the First Judicial District of the State of Texas, the Governor be requested and required to order an election for Judge of said District, by the issuance of his proclamation, at least thirty days before said election, and that the return day to the chief justices of the several counties of said district, shall be the fifth day after the election, inclusive of the day of election, and that on the twentieth day after the election, the returns shall be opened at the seat of Government, and that the Governor deliver a certificate of election to the person elected, and the person receiving such certificate shall thereupon, without further delay, be fully authorized and empowered to hold the District courts

of said District, and to discharge all the duties of such office; That the election in other respects shall be conducted according to the laws now in force.

Sec. 2. That after the election provided for in the first section of this act, the law in relation to the election of District Judge of said First Judicial District, shall be as it aforetime was, and that this act take effect, from and after its passage.

Approved 16th January, 1856.

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## CHAPTER XXVI.

An Act authorizing the transfer of certain Stock Bonds on certain conditions.

Section 1. Be it enacted by the Legislature of the State of Texas, That on the production of satisfactory proof to the auditor and comptroller, that Obadiah B. Smith is the equitable and just owner of four thousand dollars of the ten per cent. funded debt of June 7th, 1837, originally issued to Isaac Bridges, & Co., it shall be the duty of said Auditor and Comptroller, to cancel the certificate heretofore issued by them in favor of said Bridges, & Co., and in lieu thereof issue a new certificate for said amount to the aforesaid Obadiah B. Smith, notwithstanding the evidence of transfer may differ from that prescribed by statute; Provided, That such certificate shall not issue for more than the sealed value of the original claim.

Sec. 2. Be it further enacted, That this act take effect, from, and after its passage.

Approved 21st January, 1856.

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## CHAPTER XXVII.

An Act to authorize the Comptroller to issue duplicates of certain lost certificates of stock on certain conditions.

Whereas, It appears that there is standing to the credit of John Birdsall on the books of the Stock Commissioners, the sum of one thousand three hundred dollars of the ten per cent. fund created by act of June 7th, 1837; and Whereas, It appears from satisfactory proof, that said stock has been lost, and that W. B. P. Gaines is now the real and just owner of the same: therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of Public Accounts shall issue

to the aforesaid W. B. P. Gaines, certificates of stock of the ten per cent. fund of June 7th, 1837, as aforesaid, for the said sum of one thousand three hundred dollars, on his indemnifying the State in a bond for double said sum, with security to the satisfaction of said Comptroller, that the aforesaid stock shall not hereafter become a charge against the Government.

Sec. 2. That this act shall take effect from and after its passage.

Approved 21st January, 1856.

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## CHAPTER XXVIII.

**An Act defining the Seventh Judicial District, and the time of Holding Courts in the same.**

Section 1. Be it enacted by the Legislature of the State of Texas: That the Counties of Harris, Grimes, Madison, Walker, Montgomery and Galveston, shall constitute the seventh Judicial District.

Sec. 2. That the District Courts shall commence in the seventh Judicial District: in the county of Grimes on the first Mondays in April and October, and may continue in Session two weeks; in the county of Madison on the second Mondays after the first Mondays in April and October, and may continue in Session one week; in the county of Walker, on the third Mondays after the first Mondays in April and October, and may continue in session two weeks; in the county of Montgomery, on the fifth Mondays after the first Mondays in April and October, and may continue in Session two weeks; in the county of Harris, on the seventh Mondays after the first Mondays in April and October, and may continue in Session four weeks; in the county of Galveston, on the twelfth Mondays after the first Mondays in April and October, and may continue in Session until the business is disposed of.

Sec. 3. That all writs and process, that may have been or may hereafter be issued from any of the District Courts of the seventh Judicial District, as defined by this Act, shall be considered as returnable, and shall be returned to the terms as established by this Act, from and after it goes into effect, and shall have the same force and effect, as if the same had been so returnable.

Sec. 4. That the provisions of all laws so far as they conflict with this Act, be and the same are hereby repealed: Also, that this Act take effect, and be in force from and after the first day of August A. D. 1856.

Approved 21st January 1856.

## CHAPTER XXIX.

**An Act to create the Fifteenth Judicial District, provide for the election of a Judge and District Attorney thereof, and define the time of holding Courts therein.**

Section 1. Be it enacted by the Legislature of the State of Texas: (That, the counties of Liberty, Jefferson, Orange, Tyler, Trinity and Polk, shall constitute the Fifteenth Judicial District.

Sec. 2. That the District Courts in the Fifteenth Judicial District shall commence in the county of Liberty, on the third Mondays in March and September, and may continue in Session two weeks; in the county of Polk, on the second Mondays after the third Mondays in March and September, and may continue in session two weeks; in the county of Trinity, on the fourth Mondays after the third Mondays in March and September, and may continue in session one week; in the county of Tyler, on the fifth Mondays after the third Mondays in March and September, and may continue in session two weeks; in the county of Orange, on the seventh Mondays after the third Mondays in March and September, and may continue in session one week; in the county of Jefferson, on the eighth Mondays after the third Mondays in March and September, and may continue in session until the business is disposed of.

Sec. 3. That all writs and process which have been, or may hereafter be issued from any of the District courts of the seventh Judicial District, embraced in the Fifteenth Judicial District, shall be considered as returnable and shall be returned to the terms as established by this Act, and shall have the same force and effect, as if the same had been so returnable.

Sec. 4. That it shall be the duty of the Governor to order an election for a Judge and a District Attorney for the Fifteenth Judicial District, which election shall be held on the first Monday in August A. D. 1856, as provided by law for special elections to fill vacancies; and the returns of said election shall be made within thirty days after the day of election and shall be counted on the thirtieth day after said election, and a certificate of election shall be immediately issued by the Governor to the persons so elected, who shall thereupon proceed to discharge all the duties of their offices respectively. Said election shall, in all other respects, be governed by the general law regulating elections.

Sec. 5. That all appeals and writs of error, from the District courts of the Fifteenth Judicial District shall be returned to, and considered, and adjudicated by the Supreme Court holding ses-

sions at Galveston, and that this Act take effect from and after the second Monday in June A. D. 1856.

Approved 21st January 1856.

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CHAPTER XXX.

An Act for the purchase of a Site and erection for a Store and Warehouse and other purposes.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Financial agent of the Texas State Penitentiary, shall under the direction of the Board of Directors, purchase a suitable site for the erection of a Store and Ware-room, adjacent to the Penitentiary, for the reception of manufactured goods and materials and garden for the convicts.

Sec. 2. So soon as the purchase shall be made, the Board of Directors shall prepare a plan for said building, and submit the same to the Governor for his approval or modification, which when so approved or modified, shall be erected by the superintendent, with the labor of the convicts.

Sec. 3. The sum of tho thousand dollars is hereby appropriated for the purposes aforesaid, and purchase of materials, and the Comptroller of Public accounts is hereby required on the requisition of said agent to draw his warrant on the State Treasurer in favor of the agent, for the same, or so much as may be required.

Sec. 4. That this Act take effect from and after its passage.

Approved 23d January 1856.

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CHAPTER XXXI.

An Act Creating the County of Wise.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Territory embraced within the following limits, to-wit: Beginning at the South-west corner of Denton county, thence north with the west boundary line of said county thirty miles, thence west thirty miles, thence south thirty miles, thence east to the place of beginning, shall comprise the county of Wise.

Sec. 2. That it shall be, and is hereby made the duty of the Chief Justice of the county of Denton, to organize the said county of Wise of (on) the first Monday of May next, by order-

ing an election for county officers, and conducting the same in all respects in conformity to law.

Sec. 3. That so soon as the said county of Wise has been organized as aforesaid, and the officers of the same qualified according to law, they shall enter upon the discharge of their respective offices; and all courts in and for said county shall be held at the Store House of Daniel Howell, until the county seat of said county shall be permanently located by the citizens thereof.

Sec. 4. That so soon as the county shall have been organized as aforesaid, it shall be the duty of the Chief Justice and at least two of the county commissioners to select two or more places within five miles of the centre of said county to be run for the county seat of said county having due reference to donations that may be offered.

Sec. 5. That it shall be the duty of the Chief Justice to order an election to be held, giving at least fifteen days notice thereof, for the election of the seat of Justice of said county, the name of which shall be Taylorsville.

Sec. 6. That a majority of the votes polled shall determine the location, and in the event that no place receives such majority in the first election, the Chief Justice shall order a new election putting in nomination the two places having received the highest number of votes in the first election, and the place which may receive the highest number of votes in the second election shall be the lawful county seat of said county. And that this act take effect from and after its passage.

Approved 23d January, 1856.

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## CHAPTER XXXII.

### An Act Conferring Power on County Courts and Town and City Corporate Authorities to Establish Quarantine Regulations.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county courts of the respective counties of this State, be and they are hereby authorized and empowered when ever in their judgment it may be necessary, to establish quarantine regulations in their respective counties or any part or parts thereof not inconsistent with the constitution and laws of this State; and any person offending against any such regu-

lations, shall on conviction thereof before any Justice of the Peace of the county in which the offence was committed, be subject to a fine of not exceeding one hundred dollars, or to imprisonment in the common jail of the county not exceeding thirty days, and the trial of all such cases shall be had and conducted in the same manner as is provided for the trial of other offences cognizable before Justices of the Peace.

Sec. 2. That the corporate authorities of the respective Town and City municipal corporations in this State, be and they are hereby authorized and empowered whenever in their judgment it may be necessary to establish quarantine regulations in their respective Towns and Cities, not inconsistent with the constitution and laws of the State; and any person offending against any such regulations, shall be subject therefor, before any Justice of the Peace of the county where the offence was committed, and the proceedings shall be conducted against such offender in the corporate name of the Town or City where the office (offence) was committed, and on conviction, such offender shall be subject to a fine of not more than one hundred dollars to go to the use of the City or Town where the offence was committed, or to imprisonment not more than thirty days in the Town or City prison, where the offence was committed, and the trial of all cases arising under the provisions of this section shall be conducted in the same manner as is provided for the trial of other offences cognizable before Justices of the Peace.

Passed the 24th of January, 1856.

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### CHAPTER XXXIII.

#### An Act to Create the County of Atascosa.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the Territory comprised within the following limits shall be created into a new county to be called Atascosa, beginning at a point on the east line of Medina county five miles south of the Medina river; thence south along the east line of Medina county, to the south-east corner of said county, thence west along the south boundary line of said county to the west line of survey No. 71, in District No. 2 of Castro's colony; thence in a direct line to the south-west corner of Survey No. 230, in the same District; thence in a direct line to a point on the north boundary line of San Patricio county, one mile west of where the San Miguel creek crosses the same; thence along



the north line of San Patricio county to the south-west boundary line of Karnes county; thence along said line to the north-west corner of Karnes county; thence north 39 deg. west, fifteen miles; thence in a direct line to the place of beginning.

Sec. 2. The chief justice of Bexar county shall be and is hereby authorized and required after the passage of this act, to order an election for county officers of said county of Atascosa, stating the time and place of holding said election, which election shall be ordered and conducted in accordance with an act entitled, "an act to provide for the organization of new counties," approved March 20th, 1848, and the chief justice of Bexar county shall qualify the chief justice of Atascosa county when elected, who shall then qualify the other officers elected of Atascosa county.

Sec. 3. It shall be the duty of the county court of Atascosa county so soon as they are qualified, to locate the county seat of said county, by selecting at least two eligible sites therefor having regard to any donations of land that may be made for that purpose as well as to convenience of water, and when so selected the chief justice of said county shall order an election to fix said county seat, which shall be conducted according to the general laws respecting election for county officers, and if at the first election neither of the sites so selected shall receive a majority of all the votes cast, then the chief justice shall order another election to be held for the two sites receiving the highest number of votes, and the site receiving a majority of all the votes cast at any such election shall be declared the county seat.

Sec. 4. The county court of Atascosa county may purchase if necessary, or receive by donation, land not exceeding three hundred and twenty acres for the use of the county, and may lay off such suitable lots as may be necessary for public buildings, and offices and for public grounds, and proceed to sell the remainder, if any, of such portion thereof as they may deem necessary at public auction, at such times and upon such terms and conditions as will most conduce to the interest of said county, and shall apply the proceeds thereof to county purposes.

Sec. 5. The chief justice of Bexar county shall be entitled to receive three dollars per day for every day that he may be necessarily employed or detained in holding said election, and in organizing said county of Atascosa, which sum shall be paid to him out of the county Treasury of Atascosa county.

Sec. 6. This act shall take effect from and after its passage.

Approved 25th of January, 1856.

CHAPTER XXXIV.

An Act to Create the County of Erath.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the Territory lying within these limits, beginning on the north line of Bosque county, and the limits of Johnson county eight miles from the Brazos river; thence south 60 deg. west thirty miles; north 30 deg. west, thirty miles; thence north 60 deg. east thirty miles; thence south 30 deg. east, thirty miles to the beginning shall constitute a county to be called Erath.

Sec. 2. That the county seat of said county shall be located at the town of Stephenville, and shall be called by said name, provided the owner of the land shall make the donations to said county which he proposed on the fourth of July, 1855, said proposals being signed by said owner and filed in the county clerks office of Bosque county.

Sec. 3. That the Chief Justice of Bosque county shall as soon as practicable, order an election to be holden in said county of Erath for the purpose of electing a Chief Justice, County Commissioner, Sheriff, Clerks of the District and County Courts, and all other County Officers, and shall qualify them according to law, and after the election and qualifying of said officers, the said county of Erath shall be considered as organized, and the subsequent elections, and qualifying said officers shall be governed by the laws generally in force, and that this act take effect from its passage.

Approved 25th January, 1856.

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CHAPTER XXXV.

An Act to Create the County of Comanche.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the territory lying within these limits, to-wit: Beginning at the south corner of Bosque county on the north west line of Coryell county; thence north 30 deg. west to the west corner of Bosque county; thence south 60 deg. west to a point thirty miles, south 60 deg. west. from the south corner of Johnson county; thence north 30 deg. west to a point lying 35 miles north 30 deg. west from the upper line of Coryell county, thence south 60 deg. west, 30 miles; thence south 30 deg. east to the north boundary line of Lam-

pasas county; thence with the north boundary line of Lampasas county to the north-west corner of Coryell county, thence with the north boundary line of Coryell county to the beginning shall constitute a county, to be called the county of Comanche.

Sec. 2. That Jesse Mercer, Charles Campbell and Dr. Tuggle are hereby appointed commissioners with full power to organize the said county of Comanche, and it shall be their duty as soon as practicable after giving the notice required by law, to open and hold an election for Chief Justice, and County Commissioners, Sheriff, Clerks of the District and County Courts and all other county officers, and shall have power to qualify them as the law directs.

Sec. 3. That the county Commissioners who shall be elected as above provided for, shall have power to locate the county seat of said county at any place within five miles of the centre of said county, designating the name of such county seat, laying off the town, selling lots, selecting the land and lots for the use of said county, and causing to be erected suitable public buildings for the use of said county; and that this act shall take effect from and after its passage.

Approved 25th January, 1856.

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## CHAPTER XXXVI.

### An Act Confirming Certain Head Right Grants of Land Lying on the Boundary Line of Austin's Colony and Robertson's Colony.

Section 1. Be it enacted by the Legislature of the State of Texas. That the Headrights of land granted to Colonists before the thirteenth day (13) of November, A. D. eighteen hundred and thirty-five, and lying and being intersected or crossed by the boundary lines of Austin's Colony and Robertson's Colony, and being part in one of said colonies and part in the other, are hereby declared to be as valid, as if such head right were lying and being wholly within the Colony, where such head right grants were issued: Provided, that nothing herein contained shall be so construed as to effect (affect) the right of third parties.

Sec. 2. That this act shall not extend to any grant which is fictitious, forged, or otherwise fraudulent, and that this act take effect from its passage.

Approved 25th of January, 1856.

CHAPTER XXXVII.

An Act supplementary to "An Act to define the time of holding the District Courts in the thirteenth Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Judge of the thirteenth Judicial District be required to hold a term of the District Court in the county of Madison, to commence on the sixth Monday after the fourth Monday in March next, and to hold for one week unless the business is sooner disposed of: and that this act take effect from and after its passage.

Approved, January 25th, 1856.

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CHAPTER XXXVIII.

An Act to confirm the titles of certain Pre-emption Settlers within the limits of Peter's Colony.

Section 1. Be it enacted by the Legislature of the State of Texas, That all persons who settled as pre-emptors within the limits of the colony granted to W. S. Peters and others prior to the twenty-first day of December, 1853, shall be entitled to the amount of land granted to pre-emption settlers by the law in force at the date of their said settlement by complying with all the provisions of the same: Provided, that when the lands have been surveyed by any legally authorized surveyor, it shall not be necessary to have the same resurveyed; and provided further, that in all cases of conflict of title, whether by location or pre-emption, the oldest genuine claim shall have the preference, and that this act take effect and be in force from and after its passage.

Approved, January 26th, 1856.

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CHAPTER XXXIX.

An Act to authorize the County Court of Travis County to levy and collect a special tax.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Travis county be, and they are hereby authorized and empowered to cause to be levied and collected upon all the citizens and taxable property of the county, a special tax upon the same, not to exceed the State tax for one year.

Sec. 2. That the County Court shall apply the money so collected for the purpose of assisting in paying for the building of the Court House and Jail now being erected in said county of Travis, and for no other purpose whatever.

Sec. 3. That this act take effect from and after its passage.

Approved, January 26th, 1856.

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## CHAPTER XL.

### An Act to create the County of Kerr.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following territory shall be and is hereby created a county to be called Kerr, in honor of James Kerr, deceased, the first American settler on the Guadalupe river, to wit: Beginning at the south-east corner of Gillespie county on the line of Comal county; thence with the line of Comal county to the Cibolo creek; thence down the Cibolo, to the mouth of the Balcone's creek; thence up the Balcone's to the west line of survey No. 408, made in the name of A. Gayton; thence in a direct line to the south-west corner of survey No. 98, in the name of J. E. Bettner; thence in the same course four miles; thence west to the north corner of survey No. 157, in the name of J. R. Bowles on the head of Wallace's creek; and thence due west to a point twenty-three miles from said point, four miles from said Bettner's survey; thence due north twenty-six miles; thence due east to the west line of Gillespie county; thence with the west and south lines of Gillespie county, to the place of beginning, containing an area of nine hundred and six square miles.

Sec. 2. That Dr. J. C. Ridley is appointed commissioner to organize said county, whose duty it shall be to order and hold an election for all county officers and a county seat, on the fourth Saturday in March, A. D., 1856, which election shall be conducted according to existing laws regulating elections. The place receiving a majority of all the votes, shall be the county seat, and shall be called Kerrsville unless the site selected shall already have a name, and said Ridley shall issue certificates of election to all persons elected and administer the constitutional oath to them, and he shall also, on the organization of the county, make out and file for record in the office of the County Court Clerk, a full return of said election, which shall be recorded by said clerk: Provided that if a site can be selected on the Guadalupe and not more than five miles from the geographical centre of the county, (to be ascertained by a

plot and certificates from the General Land Office,) the said county seat shall not be fixed at a greater distance than five miles from such centre; and provided further, that in case of the failure to act of said Ridley, it shall be lawful for the Chief Justice of Bexar county to perform the duties herein required of him.

Sec. 3. That this Act take effect and be in force from and after its passage.

Approved, January 26th, 1856.

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CHAPTER XLI.

An act to legalize the official acts of John H. Smither, as Clerk of the District Court of Bowie County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the election of John H. Smither, on the first Monday in August, 1855, as Clerk of the District Court of Bowie county, to fill the vacancy occasioned by the resignation of O. L. Poole, be, and the same is hereby declared to be valid for the unexpired term of said Poole; that is, up to the first Monday in August, 1858, and until the successor of said Smither is elected and qualified; and all the official acts of said Smither as such Clerk, done in pursuance of law, shall be as legal and valid as if said Smither had been elected at the regular time of such District Clerks.

Sec. 2. That this act be in force from and after its passage.

Approved 26th January, 1856.

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CHAPPEER XLII.

An Act to create the County of Bandera.

Section 1. Be it enacted by the Legislature of the State of Texas: That the following territory be and is hereby created a county, to be called Bandera: beginning at the North-west corner of survey No. seventy-eight, in the name of Daniel Arnold, on the Medina river; thence in a direct line to the corner of Kerr county, on the Balcones creek on the West boundary line of A. Gayton's survey; thence with the South boundary of Kerr county, to its South-west corner; thence due West eleven miles; thence due south, twenty-six miles; thence due east to the line of Medina county; thence with the boundary of

Medina county, to the place of beginning, containing an area of nine hundred square miles.

Sec. 2. That Charles de Montel, be, and he is hereby appointed a commissioner to order and hold an election in said county, after giving ten days notice according to law, for all county officers and a seat of Justice, which shall be held according to the general law regulating elections. He shall issue certificates to all persons elected, and administer to them the constitutional oath of Office. The place receiving a majority of all the votes shall be the County Seat, and so soon as said county may be organized, he shall make out and file for record in the office of the county court clerk, a full return of said election, which shall be recorded by said clerk: Provided, that should said named Commissioner fail to act, it shall be lawful for the Chief Justice of Medina county to perform the duties herein required of him.

Sec. 3. That this Act shall take effect from and after its passage.  
Approved 26th January, 1856.

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#### CHAPTER XLIII.

**An Act to authorize and require the County Court of the County of Brazoria, to establish, discontinue and regulate public and private Roads in said County, and to cause public Roads and Bridges to be constructed and kept in good repair.**

Section 1. Be it enacted by the Legislature of the State of Texas, That no road can be established, changed or discontinued in said county, except by an order of the County Court of the said county.

Sec. 2. That every application for a new public road in said county, must be made by at least twelve house-holders in the Justices precinct in which the road is desired, and must specify the place of beginning and the termination of the road proposed.

Sec. 3. That notice of the intention to make application for a new road must be given by advertisements set up at the door of the Court-house of the county, and at two other public places near which said road will pass, for at least twenty days before such application is made.

Sec. 4. That when such application is made and publicly read, the Court, upon proof that notice has been given as required by the preceding section, shall, if such road be deemed necessary, appoint three disinterested and competent house-

holders of the county, who have not applied for the establishment of such road, and who do not live in the direction of it, to review the ground over which it is proposed to be established.

Sec. 5. That before such review shall take place, the reviewers shall be sworn faithfully and impartially to discharge the duties assigned them, and shall proceed to review the route proposed. If they deem it of public utility, they shall lay out and mark such road on the most eligible ground, but they shall not run it through any person's enclosure, without his consent, unless a good road can not otherwise be obtained.

Sec. 6. That the reviewers may examine routes other than that proposed, and may report in favor of the route which they may deem the most expedient, giving their reasons for their preference, describing the road laid out by courses and distances, and stating the conveniences and inconveniences which will result to the inhabitants and to the public, from the establishment of such road.

Sec. 7. That the reviewers shall also report the names of the proprietors of the land over which the road proposed by them would run, and their report, when made, shall be publicly read.

Sec. 8. That if twelve house-holders of the precinct in which it is proposed to establish the road, or any part thereof, shall at the term of the Court at which the report of the reviewers is submitted, object to the establishment of said road, it shall be the duty of the Court to appoint three reviewers, who shall take the same oath which reviewers are required to take, and shall then proceed in the manner prescribed by this act, for reviewing roads in the first instance.

Sec. 9. That if a majority of such reviewers, report against the utility of such road, it shall not be established, and the original applicants therefor shall pay the costs that may have accrued.

Sec. 10. That if such reviewers report in favor of such road, and their report is sustained by the Court, the objectors shall pay the costs of the reviewers.

Sec. 11. That upon the report of the reviewers, recommending the establishment of a road, if no objection has been made thereto, as prescribed by the foregoing sections of this act, or in case such objection has been made, and the reviewers have reported in favor of the establishment of the road, unless the opinion of the Court be against the application, citations shall be issued to the owners of the land over which it is proposed the road shall be established, to show cause, if any they have,



why it should not be so established. The citations shall be served on such of them as may be in the county, and upon the agents of such as are not.

Sec. 12. That upon the return of the process executed, the County Court may hear evidence, and fix upon the amount of compensation that shall seem fit to each of the proprietors over whose land the road proposed shall run, but if any proprietor be dissatisfied with the decision, he may appeal therefrom to the District Court of said county, where the case shall be tried *de novo* and the damages assessed by a jury.

Sec. 13. That when a new road is established, the county shall pay to each proprietor of the land over which it may pass, the damages he may thereby sustain.

Sec. 14. That no road shall be ordered to be opened through a lot of land in any town, or through any orchard, or burying ground, or buildings, or through any yards without the consent of the owner.

#### CHANGE OF ROADS.

Sec. 15. That any proprietor wishing to cultivate land through which a road may run, may apply to the County Court for permission to turn the road on some other portion of his own land, or on the land of some other person consenting thereto at his own expense, and the court shall appoint reviewers who shall proceed to review the road, and the route proposed, and shall under oath report the respective distances, and the situation of the ground of the established and proposed road.

Sec. 16. That if in the report of the reviewers, the court shall be satisfied that the public will not be materially injured by such change, an order shall be made that it be so changed, and so much of the old road as may lie between the points of intersection shall be vacated.

#### DISCONTINUANCE OF ROADS.

Sec. 17. That when twelve house-holders of a precinct through which any public road may pass, shall make application to the county court to have such road discontinued as unnecessary, such application shall be publicly read at the time it is presented and continued without further proceedings, till (until) the next term of the court.

Sec. 18. That at the next term of the court after that at which the application was presented, it shall be again publicly read on the first day of such court, and if no remonstrance is made thereto in writing, signed by twelve householders of the precinct in which the road is proposed to be discontinued, the

court shall make an order discontinuing such road, or so much thereof as the applicants have asked to have discontinued with in their precinct.

Sec. 19. That if no remonstrance be presented, the court shall appoint reviewers, who shall proceed and be governed as in other cases, and the judgment of the court in (on) their report, shall be conclusive.

Sec. 20. That every public road shall be at least thirty feet wide, unless the County Court order it to be less. The Court may order a road adjoining a town or village to be therefrom wider for any distance not exceeding eight hundred yards—in such case the width shall not exceed sixty feet.

APPOINTMENT AND DUTIES OF SURVEYORS OF ROADS.

Sec. 21. That it shall be the duty of the county court of said county, at their first regular term in every year, to appoint for each justices precinct, a surveyor of the public roads therein, who shall serve for one year, and until another is appointed in his stead.

Sec. 22. That the court shall within fifteen days after such appointments, cause a written notice to be delivered to each person so appointed, informing him of his appointment, and designating the public roads within his precinct, which the Sheriff or any other officer shall serve by delivering a copy to each of such persons, within twenty days after they are received.

Sec. 23. That when such notice is served, it shall be the duty of the person appointed to inform the Sheriff whether he accepts or refuses the appointment, and the Sheriff shall make an endorsement of such acceptance or refusal on the back of the notice, and return the same to the Chief Justice within twenty days after the service thereof.

Sec. 24. That if the person appointed does not inform the Sheriff when such notice is served, that he refuses to accept of the appointment, he shall be deemed to have accepted the same.

Sec. 25. That if the Sheriff or other officer fail to discharge the duty prescribed by the two preceding sections he shall be fined by the county court twenty dollars.

Sec. 26. That if any person shall refuse to accept the appointment of surveyor of roads, he shall be fined by the county court in any sum not less than twenty nor more than thirty dollars.

Sec. 27. That every surveyor shall cause to be opened such new roads as the county court shall order, and shall superintend the public roads of his precinct, and shall cause them to be kept in as good condition as the means furnished him will permit.

Sec. 28. That he shall cause them to be kept clean, clear of rocks and other obstructions, of necessary width, and secure from the falling of dead timber thereon. He shall cause such **causeways, ditches and culverts** to be made as shall seem to be necessary.

Sec. 29. That he shall cause to be constructed such bridges as the county court shall order, which shall be at least twelve feet wide, and shall be safe, and shall in every instance be secured by a strong railing on each side.

Sec. 30. That he shall cause to be erected and kept at every fork or crossing of public roads within his precinct sign boards, each pointing in the proper direction, with plain inscriptions thereon in letters and figures, of the names and distances of the most **important places** to which the road leads. He shall set up at the end of each mile, neat and permanent mile-posts, marked with the number of miles to the Court House, or other noted place to which the road may lead; and all the improvements required by this section shall be kept in good repair.

Sec. 31. That in case the road fund shall not be sufficient to **make all the improvements** required by the preceding section, such improvements shall be made in such order as the court may prescribe.

Sec. 32. That a surveyor may take from any convenient unimproved land so much wood, stone or earth as may be necessary to the construction or repair of the road, or any bridge or **causeway** thereon, and may for the purpose of draining the road, cause a ditch to be cut through any adjoining lands, Provided: that such wood or other articles be not taken from, and such ditch be not cut through any lot in a town or city, or without the consent of the owner.

Sec. 33. That if the owner of such lands, shall think himself thereby injured, and he and the surveyors can not agree upon what would be a just compensation therefor, each shall select a competent person to estimate, under oath the injury sustained by reason of anything done under the preceding section.

Sec. 34. That in case of disagreement, the person selected, shall select an umpire, who shall be in like manner sworn to estimate the damage according to the best of his understanding. If either party be dissatisfied with their decision, the matter shall be referred to the county court, and the decision of the court shall be conclusive.

Sec. 35. That no contract for the construction of any bridge shall be valid, unless it was made by the order, and has received the approval of the county court.

Sec. 36. That the county court of said county shall have

power and is hereby required to appropriate all money levied and collected as a road fund, and all fines and forfeitures levied for any violations of the provisions of this act to the repair and opening of roads in the several precincts of said county and to order and direct the payment of such portion of the amount unappropriated to each precinct to the order of the surveyor thereof, from time to time, as necessity may seem to require.

Sec. 37. That each surveyor who may receive money on the order of the county court, under the provisions of this act, shall at the next regular term of the county court, which may be held after the expiration of three months from the time such money was received, make a report to the court, and submit his account of, and vouchers for all money disbursed by him in opening and repairing roads in his precinct; and every surveyor who shall neglect or refuse to submit his account for settlement as required by this section, may be thereto compelled by the county court, by fine and attachment.

Sec. 38. That it shall be the duty of each surveyor to enquire into every offense punishable by this act, which may be committed within his precinct, and to report all such as may come to his knowledge to the next county court, stating the offence the name of the offender and of the witnesses by whom it may be proved.

Sec. 39. That when any judgment has been rendered for any penalty for a violation of this act, it shall be the duty of the surveyor of the precinct where the act was committed for which the penalty accrued, to cause due diligence to be used to enforce the collection of the judgment, and he shall also see that its proceeds are paid into the county treasury.

Sec. 40. That the county court shall have power to allow to each surveyor, a reasonable compensation for his services, which shall in no case exceed two dollars for each day he was actually and necessarily employed in the performance of duties prescribed by this act, but no such allowance shall be made unless the account for such services is supported by affidavit, and the court is satisfied that they have been rendered; such account and the affidavit supporting it shall be filed and kept in the office of the county clerk.

Sec. 41. That if any surveyor of roads neglects to discharge any duty required of him by this act he may be fined by the county court, in any sum not exceeding one hundred dollars.

Sec. 42. That the county court shall at all times have power to discharge any surveyor of roads and appoint another in his stead, and to fill any vacancy which may have happened in any precinct within the county.

Sec. 43. That any person who has served as surveyor for one year, or who has paid a fine for refusing to accept an appointment to that office shall not within five years thereafter be appointed surveyor of roads without his consent.

FORFEITURES FOR VIOLATING THIS ACT.

Sec. 44. That if any person shall wilfully fill up a ditch or culvert cut for draining a public road, or fill up any part thereof, or shall put any obstruction upon it, or shall wilfully deface, injure or destroy any mile post, sign-board, bridge or causeway, he shall in addition to the costs of repairing such injury, forfeit and pay for each and every such offence twenty dollars.

Sec. 45. That if any person shall obstruct a public road for twenty-four hours by any fence, bar, or other impediment, he shall forfeit and pay twenty dollars, and two dollars for every additional twenty-four hours such fence, bar, or impediment shall be continued.

Sec. 46. That every person who shall be engaged in running any horse race upon a public road shall forfeit and pay ten dollars.

Sec. 47. That a forfeiture incurred under any provision of this act may be recovered by suit in the name of the county before any court of competent jurisdiction; and if the offense was committed by an infant, the forfeiture shall be recovered of his parent; if by a slave, it shall be recovered of his owner; and if by an apprentice of his master.

Sec. 48. That it shall be the duty of the county court of said county to cause suits to be commenced and duly prosecuted for every violation of any provision of this act where it is probable the offence can be proven and the forfeiture collected.

Sec. 49. That when the county court shall cause any suit to be commenced to recover a forfeiture for a violation of any provision of this act, it shall be the duty of the surveyor of the precinct in which the act was violated, to cause to be issued and served all process which may be necessary to procure the attendance of the witnesses for the county, and he shall also give to the prosecution of all such suits, such personal attention as the interest of the county shall require.

ROAD FUND.

Sec. 50. That in addition to the State tax imposed by law, then shall be assessed and collected for each and every year, an ad valorem tax, not exceeding six cents upon each hundred dollars value of the property on which the State tax is imposed, and fifty cents upon every person upon whom a tax is imposed by law, which when collected, shall be paid into the

treasury of the said county, and shall with the fines, penalties and forfeitures collected under the act, constitute a road fund for said county, Provided: that any person upon whom, or whose property the tax herein provided for shall have been imposed, shall be at liberty to liquidate the amount of such tax by working upon the road in the precinct of his residence, at the rate of one dollar per day for each hand furnished; Provided: also, that the taxes levied in each precinct shall be expended upon the road within the limits of the same, if the same may be advantageously done, and provided also, that no person shall be exempt from paying a road tax, unless the work done by him, is at a time when he may be called on by the surveyor.

Sec. 51. That it shall be unlawful for the county court to appropriate any portion of the road fund to any purpose other than those prescribed by this act, and if any court shall violate the provisions of this section, each member thereof voting for such mis-application, shall be individually liable to the county for the amount so mis-applied, for the recovery of which, suit shall be brought by the District Attorney, in the proper court in the name of the county.

Sec. 52. That it shall be the duty of said county court, to make such appropriations from time to time, in order to carry out the objects of this act, as the wants of the several precincts and the interest and convenience of the county shall require.

Sec. 53. That the county court may upon the application of any person through whose land a public road may run, make an order permitting such person to erect gates across such road, but the court may at any time thereafter make an order that such gates be discontinued.

Sec. 54. That when the county court may order that any gate across a public road shall be discontinued, it may at the same time, make a further order, that unless such gate be removed within a reasonable time therein stated it shall be removed or abated by the sheriff of the county, or the surveyor of the precinct in which it is situated.

#### PRIVATE ROADS.

Sec. 55. That any person desirous of having a private road laid out for his convenience from his home or plantation to any public road or navigable water course, or from one public road to another, shall present an application therefor to the county court of said county, setting forth the reasons for desiring such road, and describing the points between which he desires the same to pass, and shall give to the persons through whose land such road is proposed, ten days previous notice of his intended application.

Sec. 56. That if when such application is made, the applicant shall deposit a sufficient sum of money, to pay the necessary costs of reviewing the proposed road, the court shall appoint three disinterested and competent householders to review the same, and the subsequent proceedings shall be such as are prescribed for the establishment of public roads.

Sec. 57. That if the court shall be of opinion that the road is necessary, an order shall be made establishing the same as a private road, not exceeding twenty feet wide, and the person applying for such road, after paying or tendering to the respective owners of the land through which it is to pass, the damages which have been assessed, may proceed to open the same.

Sec. 58. That no private road shall be established through any town lot, orchard, burying ground, building, yard or plantation, without the consent of the owner.

Sec. 59. That a private road may be discontinued whenever it shall appear to the satisfaction of the court, that its longer continuance has become unnecessary.

**NOTICE TO BE GIVEN.**

Sec. 60. That no order shall be made for the establishment of a road, public or private, until the owner of the land over which it is proposed that the road shall be established, shall have been duly notified of the application for such order.

Sec. 61. That if such owner reside within this State, or have any known agent residing therein, personal service of such application shall be made on such owner or agent, for such time before the order is made, as the court deem to be reasonable; but if neither the owner or his agent resides within the State, such service may be made by a publication of the substance of the application, for at least four successive weeks, in some newspaper published in said county; if no newspaper be published in the county, then publication may be made in the newspaper published nearest to the county seat of said county.

Sec. 62. That in cases in which personal service has not been made, if the owner does not appear, the court shall make no order establishing the road, before the expiration of four months from the time of the making of the last publication required by the preceding section.

Sec. 63. That if notice of an application to establish a road, either public or private, has not been personally served on the owner of the land over which it may be subsequently established, no law of limitation shall be construed to bar the right of such owner to receive damages therefor.

Sec. 64. That this act be in force from and after its passage.

Approved 28th, January, 1856.

CHAPTER XLIV.

An Act to create the County of Lampasas.

Section 1. Be it enacted by the Legislature of the State of Texas: That the territory within the following limits, to wit: Beginning at the north east corner of Burnet county; thence north west on a direct line to the south west corner of Coryell county; thence north 30 deg. west with the west line of Coryell county 30 miles to the north west corner of Coryell county; thence west to the Colorado river; thence down the middle of said stream with its meanders to the north boundary line of Burnett county; thence east with said line to the beginning; shall be and the same is hereby erected into a new county; to be known by the name and style of Lampasas county.

Sec. 2. That the county seat of said county of Lampasas shall be located at the present town of Burleson, which shall be called Lampasas, on the salt fork of the Lampasas: Provided, that the proprietor or owner of the unsold lots in said town shall donate and convey to said county such lots as may be required for all the public buildings of said county.

Sec. 3. That the Chief Justice of Coryell county shall within three months after the passage of this Act order an election for county officers which shall be advertised at three public places in the county of Lampasas, fixing the time and place of said election, which election shall be conducted according to all the laws governing elections in this State; the said Chief Justice of Coryell county shall qualify the officers of the said county of Lampasas when elected, and shall receive such compensation for their (his) services for organizing said county as the county court thereof may allow.

Sec. 4. That it is hereby made the duty of the District and county court Clerks of the counties of Coryell and Burnett immediately after the organization of the county of Lampasas to forward the unfinished business which may be in the District and county courts of said counties in which the citizens of the county of Lampasas are interested to the proper authorities of Lampasas county upon the payment of costs.

Sec. 5. That this Act take effect and be in force from and after its passage.

Approved 1st February 1856.



## CHAPTER XLV.

An Act to define the Fourth Judicial District, and to prescribe the time of holding Courts therein.

Section 1. Be it enacted by the Legislature of the State of Texas: That from and after the passage of this Act, the counties of Comal, Kerr, Gillespie and Bexar, shall constitute the Fourth Judicial District of this State.

Sec. 2. That the District courts shall commence in the county of Comal on the first Mondays of March and September, of each and every year, and may continue in session one week; in the county of Kerr, on the first Mondays after the first Mondays of March and September, and may continue in session one week; in the county of Gillespie, on the second Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of Bexar, on the fourth Mondays after the first Mondays in March and September, and may continue in session until the business is disposed of.

Sec. 3. That all writs and process that have been or may hereafter be issued from any of the District courts of the counties mentioned in the first section of this Act, and made returnable to any of the terms of said courts under the laws now in force, and all bonds and recognizances, that have been or may hereafter be made so returnable, shall be returned to the terms established by this Act, and shall have the same force and effect as if the same had been originally so returnable.

Sec. 4. That all laws and parts of laws, conflicting with the provisions of this Act, be, and the same are hereby repealed, and that this Act take effect and be in force from and after its passage.

Approved 1st February 1856.

## CHAPTER XLVI.

An Act to authorize and require certain suits pending in the District Courts in and for the Counties of Hill and Ellis, to be transferred to the County of Johnson.

Section 1. Be it enacted by the Legislature of the State of Texas: That all suits or proceedings now pending and undecided in the District courts in the counties of Hill and Ellis, in which the defendant, or defendants are resident citizens of the county of Johnson, or in case said suit (suits) or proceeding (pro-

ceedings) is (are) for the recovery of land, where the land is situated in the county of Johnson, shall be transferred to the District court in and for the county of Johnson, and the said District court in and for the county of Johnson, shall have jurisdiction to try and determine said suits in the same manner as if the same had been originally instituted in said county.

Sec. 2. That the Clerks of the District courts in and for the counties of Hill and Ellis, are hereby authorized and required to transmit to the District court in and for the county of Johnson all the original papers, together with a transcript of the proceedings had, in the suits or proceedings mentioned in the first section of this Act, and that this Act take effect from and after its passage.

Approved 1st February, 1856.

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#### CHAPTER XLVII.

An Act to amend the seventh section of an act to provide for the payment of six companies of mounted volunteers that were mustered into the service of the State of Texas on the first day of November, A. D. 1854, under a requisition of Brevet Major General Persifer F. Smith, and to pay the expenses incurred by said companies, approved 14th January, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the seventh section of an act to provide for the payment of six companies of mounted volunteers, that were mustered into the service of the State of Texas, on the 1st day of November, A. D. 1854, under a requisition of Brevet Major General Persifer F. Smith, and to pay the expenses incurred by said companies, approved 14th of January, 1856, shall be so amended as to read as follows, viz: That the Governor of the State of Texas shall be, and he is hereby authorized to appoint suitable persons to pay off said six companies, at or near the places where they were severally organized, in accordance with the rules and regulations of the United States, for the payment of similar troops, which persons so appointed, shall each give a bond, with good security for the faithful performance of his duties, and shall be entitled to receive such compensation therefor, as the Governor shall think right and proper to be paid out of said appropriation; any of said troops may apply for and receive their pay at the place designated for their payment, or may apply for and receive the same from the State Treasurer. And all claims incurred for supplies, medical services, camp equipage, and transportation, and other expenses for said com-

panies not exceeding the amount appropriated by said act, shall be paid by the State Treasurer. And this act shall take effect from, and after its passage.

Approved 1st February, 1856.

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## CHAPTER XLVIII.

### An Act to create the County of Llano.

Section 1. Be it enacted by the Legislature of the State of Texas, That the territory hereinafter described be, and the same is hereby erected and created into a new county, to be called Llano. to wit: Beginning at a point on the West bank of the Colorado river, three miles above the mouth of Sandy creek, thence due West thirty-eight miles, thence due North twenty-five miles, thence due East to the Colorado river, thence down the said river, with its meanders, to the place of beginning.

Sec. 2. That Clement Oatman be, and he is hereby appointed a Commissioner to organize said new county, and it is hereby made his duty to do the same by ordering an election for county officers according to the general laws regulating elections; said election to be held on a day by him to be named, and due notice of the same to be given, in accordance with the law regulating elections, the said election to be held at a point or points within the limits of said county, to be by the said Oatman named, and duly published in said county; and when the returns of said elections shall have been made to the said Oatman, he shall issue certificates of election to the persons elected, and shall administer the oath of office to them in due form. He shall also ascertain by means of a plot and certificate from the General Land Office under the seal of the same, duly authenticated, the centre of said new county, and select two or more sites not exceeding five miles from the centre of said county, having respect for any donation of land that may be made for that purpose, as well as convenience of wood and water, and shall order an election from (for) the places so selected for a county seat, which election shall be at the time and places of the election for county officers, as herein before provided; and when the returns shall have been made to him, he shall declare the place receiving the majority of all the votes cast at the first election, the county seat of said county; **Provided**, That if neither of the places so selected by the said Commissioner shall receive a majority of all the votes cast at

the first election, the Chief Justice when legally qualified shall order a second election between the two sites which shall have received the highest number of votes at the first election, when the place receiving the highest number of votes cast, shall be declared the County Seat, and shall be called Llano.

Sec. 3. That the County Court of said county, shall have power to purchase, if necessary, land not to exceed three hundred and twenty acres, for the use of said county, and shall lay off the same into suitable lots for a town, and after selecting, and setting apart such suitable lots as may be necessary for a court house, jail, clerks' offices, churches, school houses, and burying grounds, they shall proceed to sell the remainder, or such portion thereof as they may deem necessary, at public auction, at such time and upon such terms as will most conduce to the interests of said county.

Sec. 4. That the Commissioner above named shall be entitled to three dollars per diem for every day that he is necessarily employed or detained in holding said election, and organizing said County of Llano.

Sec. 5. That this act take effect from, and after its passage.

Approved 1st February, 1856.

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## CHAPTER XLIX.

### An Act to create the County of San Saba.

Section 1. Be it enacted by the Legislature of the State of Texas, That the territory hereinafter described be, and the same is hereby erected and created into a new county, to be called San Saba, to wit: beginning at the North-East corner of the county of Llano, on the West bank of the Colorado river, thence due West thirty-eight miles to the North-West corner of Llano county, thence North to the Colorado river, thence down the Colorado river, with its meanders, to the place of beginning.

Sec. 2. That the Chief Justice of Burnet county be, and he is hereby authorized to organize said new county, and it is hereby made his duty to do the same by ordering an election for county officers, according to the general laws regulating elections, said election to be held on a day by him to be named, and due notice of the same to be given in accordance with the law regulating elections, the said election to be held at a point or points within the limits of said county, to be by the said Chief Justice of Burnet County named and duly published in said

county, and when the returns of said election shall have been made to him, he shall issue certificates of election to the persons elected, and shall administer the oath of office to them in due form. He shall also ascertain by means of a plot and certificate from the General Land Office, under the seal of the same duly authenticated, the center of said new county, and select two or more sites not exceeding five miles from said center, having respect for any donation of land that may be made for that purpose, as well as convenience to wood and water, and shall order an election from (for) the places so selected for a county seat, which election shall be at the time and places of the election for county officers, as herein before provided, and when the returns shall have been made to him, he shall declare the place receiving a majority of all the votes cast at the first election, the county seat of said new county; Provided, That if neither of the places so selected by the said Chief Justice of Burnet County, shall receive a majority of all the votes cast at the first election, the Chief Justice of said new county when legally qualified, shall order a second election between the two sites which shall have received the highest number of votes at the first election, when the place receiving the highest number of votes cast, shall be declared the county seat, and shall be called San Saba.

Sec. 3. That the County Court of said county of San Saba shall have power to purchase, if necessary, land not to exceed three hundred and twenty acres, for the use of said county, and shall lay off the same into suitable lots for a town, and after selecting and setting apart such suitable lots as may be necessary for a court house site, clerks' offices, churches, school houses, and burying grounds, they shall proceed to sell the remainder or such portion thereof, as they shall deem necessary, at public auction, at such time and upon such terms as will most conduce to the interest of said county.

Sec. 4. That the Chief Justice of Burnet County shall be entitled to three dollars per diem for every day that he is necessarily employed or detained in holding said election, and organizing said county of San Saba.

Sec. 5. That this act take effect and be in force, from and after its passage.

Approved 1st February, 1856.

## CHAPTER L.

An Act giving the assent of the State of Texas to "An Act to provide for the payment of such creditors of the late Republic of Texas as are comprehended in the Act of Congress of September nine, eighteen hundred and fifty," which was passed at the second session of the thirty-third Congress of the United States, and approved February twenty-eighth, eighteen hundred and fifty-five.

Whereas, At the second session of the thirty-third Congress of the United States, an act was passed, entitled, "An Act to provide for the payment of such creditors of the late Republic of Texas as are comprehended in the Act of Congress of September nine, eighteen hundred and fifty," which Act was approved February twenty-eighth, eighteen hundred and fifty-five, and provides, that in lieu of the sum of five millions of five per cent stock of the United States still due to Texas, under the provisions of the Act of Congress of the ninth of September, eighteen hundred and fifty, the United States will pay to the creditors of the late Republic of Texas, who hold such bonds or other evidences of debt for which the revenues of that Republic were pledged, as were reported to be within the provisions of the said act of September the ninth, eighteen hundred and fifty, by the report of the late Secretary of the Treasury to the President of the United States, and approved by him on the thirteenth day of September, eighteen hundred and fifty-one, or which come within the provisions of said Act, according to the opinion upon the Texas compact, of the present Attorney General of the United States, addressed to the Secretary of the Treasury under date of September twenty-sixth eighteen hundred and fifty-three, the sum of seven millions, seven hundred and fifty thousand dollars, to be apportioned among the said holders pro rata, the interest on the said debt, to be determined by the existing laws of the State of Texas.

And Whereas, By the terms of the said Act of the twenty-eighth of February, eighteen hundred and fifty-five, it is not to take effect until it shall be assented to by an Act of the Legislature of Texas, nor until the Legislature of said State shall pass an Act withdrawing and abandoning all claims and demands against the United States growing out of Indian depredations or otherwise. Now therefore—

Section 1. Be it enacted by the Legislature of the State of Texas. That the said State hereby consents and agrees, that in lieu of the five millions of five per cent. stock still due to said State, under the Act of Congress of the ninth of September,

eighteen hundred and fifty, the United States shall pay to the said described creditors, whose debts ostensibly amount, with interest thereon, according to the laws of Texas, to the sum of ten millions seventy-eight thousand and seven hundred and three dollars and twenty-one cents, of which, five millions, five hundred and two thousand nine hundred and sixteen dollars and thirty-four cents, principal, and three millions two hundred and eighty-four thousand two hundred and forty-one dollars and ninety-four cents interest on said principal, are evidenced by the certificates of the Auditor and Comptroller of the State of Texas, issued under the provisions of "an act to provide for ascertaining the debt of the late Republic of Texas," approved March twentieth, eighteen hundred and forty-eight, and other acts of said State, passed subsequent thereto, ninety-eight thousand five hundred and forty-five dollars and sixty-six cents of principal, and one hundred and three thousand two hundred and ninety-nine dollars and twenty-seven cents of interest on said principal are evidenced by ten per cent bonds of the Republic of Texas, issued under an act of Congress of said Republic, of the seventh of June, eighteen hundred and thirty-seven, two hundred and eighty thousand dollars of principal, and three hundred and twenty-five thousand and five hundred dollars of interest on said principal are evidenced by a ten per cent bond issued by the Republic of Texas to Frederick Dawson, for Naval Vessels, dated the thirteenth of September, eighteen hundred and thirty-eight, forty-one thousand and one hundred dollars of principal, and forty-one thousand two hundred and seventy-one dollars and twenty-four cents of interest on said principal, are evidenced by ten per cent bonds of the Republic of Texas, issued under the provisions of an act of Congress of said Republic, entitled "An Act to provide for the redemption of the promissory notes of the Government, now in circulation, and for funding other liabilities of the Government," approved fifth of February, eighteen hundred and forty; three hundred dollars of principal, and two hundred and thirty-six dollars of interest on said principal, are evidenced by eight per cent bonds of said Republic, issued under the provisions of the act of Congress of the said Republic, last before named, twenty-four thousand and one hundred dollars of principal, and eighteen thousand three hundred and sixteen dollars of interest on said principal, are evidenced by eight per cent Treasury bonds of said Republic, issued under the provisions of an act of the Congress of said Republic, entitled "An Act for creating funds for the support of the Government for the year eighteen hundred and forty," approved February fifth, eighteen hundred

and forty, two thousand nine hundred and thirty dollars of principal, and eight hundred and ninety-one dollars and twenty-one cents of interest on said principal are evidenced by the first issue of promissory notes of said Republic, under the provisions of an act of Congress of the said Republic of the seventh of June, eighteen hundred and thirty-seven, sixteen thousand five hundred and thirty-seven dollars of principal, and three thousand six hundred and fifty-one dollars and ninety-one cents of interest on said principal are evidenced by the second issue of the promissory notes of the said Republic, under the provisions of the act of the Congress of said Republic last before named, and three hundred and thirty-four thousand, eight hundred and sixty-six dollars and sixty-four cents of principal, are evidenced by the promissory notes of said Republic, without interest, issued under an act of the Congress of said Republic, of the nineteenth of June, eighteen hundred and thirty-nine, the sum of seven millions seven hundred and fifty thousand dollars, to be apportioned among them *pro rata*; and the said State hereby assents to said Act of Congress of the twenty-eighth of February, eighteen hundred and fifty-five, with the foregoing declaration of the debts, that she understands to be embraced in its provisions, and among which the said sum of seven millions seven hundred and fifty thousand dollars are to be apportioned *pro rata*.

Sec. 2. Be it further enacted, That the State of Texas hereby withdraws and abandons all claims and demands against the United States growing out of Indian depredations or otherwise, which originated on or before the twenty-eighth day of February, eighteen hundred and fifty-five: Provided this abandonment shall not apply to claims of individuals for losses of property by the enemy.

Sec. 3. Be it further enacted, That this act shall take effect and be in force from and after the date of its final passage or approval.

Approved 1st February, 1856.

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## CHAPTER LI.

An Act to better define the Western boundary line of Grayson County, and the Eastern boundary line of Cooke County.

Section 1. Be it enacted by the Legislature of the State of Texas: That the southwest corner of Grayson county shall be at a point in the north boundary line of Denton county, five miles



and seven eighths of a mile west of the north east corner of said Denton county, and the said point to be the south east corner of Cooke county, and the division line between said counties shall be run due north to Red River from said corner.

Sec. 2. That it shall be the duty of the Chief Justice of Cooke county to cause the county surveyor of said county to make and establish said corner and run said division line, and it shall be the further duty of said Chief Justice to give twenty days notice to the Chief Justice of Grayson county, of the time appointed to run said division line, and it shall be the duty of the Chief Justice of Grayson county to appoint a competent surveyor, to meet the surveyor of Cooke county and assist in establishing said corner and survey said division line.

Sec. 3. The said counties of Cooke and Grayson to pay equally the cost of establishing the line aforesaid, and all laws and parts of laws conflicting with this Act, be, and the same are hereby repealed, and this Act take effect from and after its passage.

Approved 2d February 1856.

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## CHAPTER LII.

An Act supplementary to an Act entitled an Act making provisions for running and marking the boundary line between the State of Texas and the Territories of the United States of America.

Section 1. Be it enacted by the Legislature of the State of Texas: That the appropriation of ten thousand dollars, or so much thereof as may be necessary, appropriated by virtue of "an act entitled "an Act making provisions for running and marking the boundary line between the State of Texas and the Territories of the United States of America," be, and the same is hereby renewed and continued in force.

Sec. 2. That this Act take effect from its passage.

Approved 2d February 1856.

CHAPTER LIII.

An Act to authorize the Clerk of the County Court of Anderson County to transcribe into a bound book to be procured by him for that purpose all records hereinafter mentioned.

Section 1. Be it enacted by the Legislature of the State of Texas: That the clerk of the county court of Anderson county be required to transcribe book A, in a well bound book to be furnished by him for that purpose.

Sec. 2. When said record is transcribed by him and approved by the county court, it shall have the same force and effect that the original record had, both in law and equity, and shall be preserved and considered the record of his office.

Sec. 3. That when said record is made in accordance with the first section of this Act, and approved by the county court, said clerk shall be paid out of any money in the county of Treasury of the county of Anderson not otherwise appropriated, ten cents for every hundred words so transcribed; and this Act to be in force from and after its approval by the Governor.

Approved 2d February 1856.

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CHAPTER LIV.

An Act to provide for the erection and furnishing a fireproof building to be used as a General Land Office for the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That the sum of forty thousand dollars be, and the same is hereby appropriated, or so much thereof as may be necessary for the erection, completion and furnishing of a fire proof building to be used as a General Land Office for the State of Texas.

Sec. 2. That the Governor, Commissioner of the General Land Office, Treasurer and Comptroller shall act as Commissioners for the erection, completion and furnishing of said building; and they shall cause the same to be built in the most durable manner, and to be fire proof in its construction; the dimensions and general plan, and furnishing of the said building to be left to the judgment and discretion of said Commissioners: Provided, the whole costs of said building and of furnishing the same shall in no case exceed the sum of forty thousand dollars hereby appropriated.

Sec. 3. Be it further enacted: That the said Commission-

ers shall cause the said building to be erected upon the reserved half of Block one hundred and thirty-six (136) bounded on the north by College Avenue, and on the west by Brazos street; and they shall advertise the plan of the same and let it out by contract to the lowest, best bidder, taking obligations of the contractor or contractors as the case may be, in double the amount of his or their bid, payable to the State of Texas, to be void only upon condition of the faithful performance of his or their contract in the premises.

Sec. 4. That this Act take effect and be in force from and after its passage.

Approved 2d February 1856.

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#### CHAPTER LV.

##### JOINT RESOLUTION.

Granting Leave of Absence to Joel L. Ankrim, Judge of the Eleventh Judicial District.

Section 1. Be it resolved by the Legislature of the State of Texas, That leave of absence from the State of Texas, is hereby granted to Joel L. Ankrim, Judge of the eleventh Judicial District, for the period of three months, at such time as may suit his convenience: provided, that such absence shall not interfere with the holding of the courts of his district, at the regular time fixed by law.

This Resolution shall take effect and be in force from and after its passage.

Approved 2d of February, 1856.

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#### CHAPTER LVI.

An Act, Granting Pelican Island, in Galveston Bay, to the Corporation of the City of Galveston.

Section 1. Be it enacted by the Legislature of the State of Texas, That the State of Texas hereby relinquishes to the corporation of the city of Galveston all her right, title and interest in the Island known as Pelican Island, situated in Galveston Bay and north of the city of Galveston: provided, this relinquishment on the part of the State shall not prejudice the rights of any third party.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved 2d Feb., 1856.

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CHAPTER LVII.

An Act to Define the time of holding the District Courts in the County of Cameron.

Section 1. Be it enacted by the Legislature of the State of Texas, That the District Court of Cameron county, being one of the counties in the twelfth Judicial District, shall hereafter be begun and held on the first Monday's of July and January of each year, for the period of two years after this act shall take effect, and may continue in session four weeks at each term.

The first term of court held under the provisions of this act, shall commence and be holden on the first Monday in July, 1856; and after the expiration of said period of two years, the terms of said court shall be held in said county on the eighth Mondays after the first Mondays in March and September in each year, and may continue in session until the business is disposed of.

Sec. 2. That all process, that may have heretofore issued or that may hereafter be issued before the time herein established for the commencement of the first term of said court shall be deemed and taken as if returnable at such term whether specified in such process or not, and this act shall be in force and take effect from and after the first day of February, 1856.

Approved 2d Feb., 1856.

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CHAPTER LVIII.

An Act to provide for the purchase of a supply of the Texas Digest for the use of the State.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor be and he is hereby authorized and required to contract for three hundred copies of the Texas Digest, Provided, he can do so at twenty per cent. less in proportion to the printed matter contained therein than is paid for the Texas Reports.

Sec. 2. That a sufficient amount of money is hereby appropriated to make said purchase, and that the Treasurer is hereby

authorized to pay over such amount to the order of the Governor, countersigned by the Comptroller, and that this act take effect and be in force from and after its passage.

Approved, February 2d, 1856.

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## CHAPTER LIX.

An Act to create the County of Live Oak, and attach it to the fourteenth Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas, That all that territory comprised within the following limits, to wit: Beginning at the junction of the East and West Aransas rivers: thence in a direct line parallel to the upper line of San Patricio county, in a south-western direction forty-two miles; thence in a direct line to the Laredo and San Antonio crossing of the Rio Frio, on the upper line of San Patricio county; thence with said line to the line of Karnes; thence along the line of Karnes and Goliad counties to the beginning, be and the same is hereby created into a new county, to be called the county of Live Oak.

Sec. 2. That John Powell, George W. Wright, Wm. Gambell, Henderson Waller, D. L. Wood, N. Gussett, James B. Lewis, and James M. Grover, be and they are hereby appointed commissioners to locate the county site of said county, and that they may purchase, or receive by donation, any number of acres of land not exceeding six hundred and forty, on such terms as they may arrange, for the use of said county and shall proceed to lay off two hundred acres of said land into suitable town lots, and after selecting and setting apart such lots as may be necessary for Court House, Clerks Offices, Jail, Churches, School Houses, Burying Grounds and other public purposes; they shall proceed to sell the remainder, or such portion thereof as they may deem necessary, at such time and on such terms as they may think best for the interest of said county, by offering the same at public auction after giving due notice of time and place, and they shall apply the proceeds thereof to the payment of a fair installment on the cost of the land, if said land is acquired by purchase, to the expense of surveying the town tract and to the erection of suitable county buildings for the use of said county.

Sec. 3. That the residue of said land shall be laid off into farm lots and, after paying for county buildings and for the land purchased by said commissioners, the proceeds of sales

shall be applied under the direction of the County Court to school purposes in said county.

Sec. 4. That a majority of said commissioners shall be competent to act in the duties of their appointment and they shall continue to perform the duties of county commissioners, until the County Court is duly organized in said county when their functions shall cease.

Sec. 5. That they shall locate said county site near the Nueces river, above the high water mark, convenient to timber and water, and as near the centre of said county as practicable, and name the same.

Sec. 6. That said commissioners at the next regular election shall order the polls to be opened as the law provides, at such places in said county as they may appoint, giving due notice thereof, and the election returns shall be made to said commissioners, any one of whom is authorized and empowered to administer the necessary oath of office to the county officers who may be elected, and take the bonds of office required by law as the law directs, and the officers thus elected and qualified, shall proceed at once to discharge the duties of their respective offices; until such officers are elected and qualified those in authority in Nueces and San Patricio counties shall continue their functions in the territory of said new county taken from their respective counties.

Sec. 7. That said commissioners shall report to the Chief Justice of said county at the first regular term of the County Court, all monies received by them on sales of lots at the county site and how expended, and at the same time deliver to him all papers held by them for the county, and pay over to the County Treasurer all monies remaining in their hands for the use of the county.

Sec. 8. After the requirements of the section last preceding are fully complied with, and not before, the said commissioners shall be entitled to receive for their services, estimating only the time of actual service, such compensation as the County Court shall allow, not exceeding two dollars each per day.

Sec. 9. That the Assessor and Collector of San Patricio county, and of Nueces county, shall respectively make out and transmit to the State Treasurer, on or before the first of October, 1856, that portion of the scholastic population returned for 1855 and 1856, and on or before the first of October, 1857, that portion of the scholastic population returned for 1857, which by this act becomes attached to said new county, and the apportionment of the school fund therefor shall be drawn by said county, as provided for by law.

Sec. 10. That the county hereby created shall be attached to and form a part of the fourteenth Judicial District.

Sec. 11. That this act take effect and be in force from and after its passage.

Approved, February 2nd, 1856.

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#### CHAPTER LX.

An Act to provide a permanent and safe Building for the use of the State Department, the Executive and the Attorney General of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That upon the completion of the new Land Office, and the vacation of the present one by the commissioner of said office, the Secretary of State be and he is hereby authorized and required to occupy one half of the building now used as a General Land Office, for the business and uses of the State Department.

Sec. 2. Be it further enacted, That the Governor and the Attorney General are hereby authorized and required to occupy the remaining half of said building, upon its being vacated by the Commissioner of the General Land Office, and to use the same as a permanent building, in which to transact the business of their respective offices.

Approved, February 2nd, 1856.

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#### CHAPTER LXI.

An Act making appropriations for the Use and support of the State Government for the Years 1856 and 1857.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following sums be, and the same are hereby appropriated for the support of the government of the State for the years 1856 and 1857, viz:

#### EXECUTIVE DEPARTMENT.

For salary of the Governor, three thousand dollars annually.  
For salary of Private Secretary, nine hundred dollars annually.  
For contingent expenses, five hundred dollars annually.  
For furniture for Executive office, three hundred dollars.

DEPARTMENT OF STATE.

For salary of Secretary of State, eighteen hundred dollars annually.

For salary of Clerk in the State Department, nine hundred dollars annually.

For contingent expenses, two hundred and fifty dollars annually.

For Printing, three hundred dollars annually.

For Postage two hundred dollars annually.

For Stationary, one hundred dollars annually.

For Porter hire and Wood, one hundred dollars annually.

Desks and other Furniture for Office six hundred dollars to purchase useful books.

For employment of additional service in the office of the Secretary of State, for the purpose of furnishing the Public Printers with copies of the laws, within the time required by law,—fifty dollars.

SUPREME COURT.

For salary of the three Judges of the Supreme Court, annually two thousand dollars each.

For contingent expenses of three branches of the Supreme Court, one thousand dollars each, or so much thereof as may be necessary.

Printing reports three thousand dollars.

Expenses of fitting up branches of the Supreme Court at Galveston and Tyler, one thousand dollars each.

For increase of Supreme Court Library to be expended under direction of the Supreme Court Fifteen hundred dollars annually.

ATTORNEY GENERAL.

For salary of Attorney General, eighteen hundred dollars annually.

For contingent expenses of Attorney General's Office, two hundred and fifty dollars annually.

DISTRICT COURTS.

For salary of the District Judges, seventeen hundred and fifty dollars each annually.

For salary of the District Attorneys five hundred dollars annually.

TREASURY DEPARTMENT.

For salary of the Treasurer, eighteen hundred dollars annually.

For salary of Clerk nine hundred dollars annually.

For contingent expenses two hundred dollars annually.



For Stationery, Postage and Printing one hundred and fifty dollars annually.

#### OUTSTANDING LIABILITIES.

For G. Kerchberg for repairs of Iron Safe, fifty-two dollars, and for drilling vent holes, and putting iron pipes through the walls of Treasury vault twelve dollars.

For Deats and Brush for Four Tin Cases to preserve United States Bonds in, ten dollars.

For Teneyck's and Deiterich for four yards oil silk to envelope United States Bonds, four dollars.

For Coney's account paid to Negroes for removing Iron Safe, Five dollars and fifty cents.

For B. Roberts for Shelving Vault, Twelve dollars.

#### COMPTROLLER'S OFFICE.

For Salary of Comptroller, eighteen hundred dollars annually.

For salary of Chief Clerk, twelve hundred dollars annually.

For salary of Chief Clerk of Tax Bureau, twelve hundred dollars annually.

For salary of Five Assistant Clerks, nine hundred dollars each annually.

For contingent expenses, two hundred and seventy-five dollars annually.

For stationary and books, three hundred and fifty dollars annually.

For printing, three hundred and seventy-five dollars annually.

For Postage three hundred and fifty dollars annually.

For outstanding claims against Comptroller's Office, one hundred and fifty dollars.

For Blank Assessment Rolls if required by law, three hundred and seventy-five dollars annually.

For salary of one Draftsman to be employed for one year eleven hundred dollars.

For salary of three additional Clerks, to be employed for one year, nine hundred dollars each.

#### TREASURY BUILDING.

For Ragland, for repairs on Chimneys, seventy-two dollars—C. M. Laughlin, for flushing with zinc, and painting roof of Treasury building, one hundred and fifteen dollars.

For G. Kerchberg for pumps, repairs of doors, and locks, twenty dollars and fifty cents.

For amount of outstanding claims, two hundred and seven dollars and fifty cents.

For repairs and repairing windows one hundred and sixty dollars.

For Porter hire for Treasury building, two hundred and fifty dollars annually.

GENERAL LAND OFFICE.

For salary of Commissioner of General Land office, two thousand dollars annually.

For salary of Chief Clerk, twelve hundred dollars annually.

For salary of Translator, twelve hundred dollars annually.

For salary of Chief Draftsman, twelve hundred dollars annually.

For salary of two assistant draftsman eleven hundred dollars each annually.

For salary of four assistant draftsmen, one thousand dollars each annually.

For salary of eight clerks, nine hundred dollars each annually.

For salary of twelve second clerks, nine hundred dollars each annually.

For stationary seven hundred and fifty dollars annually.

For Postage two hundred and fifty dollars annually.

For contingent expenses, two hundred and fifty dollars annually.

For fire wood, one hundred and fifty dollars annually.

For Printing blanks, fifty dollars annually.

For Portage one hundred and eighty dollars annually.

PUBLIC PRINTING.

For printing Laws, Journals, Reports, Bills, Newspapers, &c., for the use of the Sixth Legislature, Seventeen thousand dollars, or so much thereof as may be necessary.

MISCELLANEOUS.

For fencing the grounds around the Governor's house, furnishing house, digging well, &c., to be expended under the direction of the Commissioners of Public buildings, six thousand dollars or so much thereof as may be necessary.

For Henry Tierwester, James M. Day, Rolla M. Davis, James W. Nichols, John B. Thacker, David Cole, Michael Short, Thomas Barnett, and Thomas Norris, one hundred dollars each annually to be paid in semi-annual installments.

For S. M. Swenson as per account against Executive Department, forty-six dollars and fifty-five cents.

For charges on two packages forwarded to Governor Bell in 1853, two dollars and seventy-five cents.

For Payne and Phillips, for Portable steps for lamps in the Senate Chamber, nine dollars and fifty cents. Notary's fee fifty cents.

For Librarians of three branches of the Supreme Court, three hundred dollars each annually.

For F. T. Duffau's account two hundred and seven dollars and eighty one cents.

For balance for Printing the Laws, of the extra session of 1853, in the Spanish Language, three hundred dollars, or so much thereof as may be necessary.

For A. H. Cook for painting the roof of the capitol, three hundred dollars, which sum is to be paid to said Cook, when the roof of the Capitol shall be secured against leakage, and the weights shall be attached to the windows of the capitol, and for furnishing iron in the erection of the capitol two hundred and fifty-seven dollars and fifty-six cents.

For stationary for the seventh Legislature, one thousand dollars, or so much thereof as may be necessary.

For pay of Audited certificate No. 301, dated February 5th, 1842, three hundred and twenty-five dollars.

For balance due the late Secretary of the Senate for recording Journals of the Senate of the late Republic and State of Texas, under an act passed February 16th, 1852, as certified to by the commissioners appointed to examine the work, four hundred and ninety-two dollars and seventeen cents.

For amount due Wiley Tipper, for services in taking charge of the capitol under the direction of the Governor and Comptroller, one hundred and fifty-six dollars and sixty-six cents.

For amount of balance required to pay second class claims, now audited as reported by the Auditor and Comptroller, twenty-one thousand three hundred and eighty-three dollars and fifty-two cents.

For recovering fugitives from justice out of the State, five thousand dollars.

For indemnity of owners of slaves, heretofore executed, two thousand dollars.

For indemnity of owners of slaves, executed in the years 1856, and 1857—\$7000.

For balance of pay of the members and officers of the Sixth Legislature, five thousand four hundred and sixty dollars.

For contingent expenses of the sixth Legislature of the State, twenty thousand dollars or so much thereof as may be necessary.

For survey of land script surveyed prior to 1856, five hundred dollars.

For survey of Land Script annually five hundred dollars.

For pension of David Webb, one hundred dollars annually, payable semi-annually.

For J. M. Massey, as clerk in the Adjutant General's Office, fifty dollars.

For J. H. Cole, for compiling map of Dallas county, one hundred and fifty dollars.

For Stephenson Archer, for compiling map of El Paso Land District, one hundred and fifty dollars.

For Brewster and West, as council for State, in certain mandamus cases, one hundred and fifty dollars.

For F. T. Duffau, for stationary for Legislature, fifty-three dollars and eight cents.

For pay of seven additional assistant clerks of General Land Office, retained during the month of December, 1855, four hundred and sixty-six dollars and sixty-six cents.

For payment of accounts of Messrs Martin and Stremme, from March 18th, 1855, to January 1st, 1856, fifteen hundred and sixty-two dollars and twenty-six cents.

For paying Robert Hughes, Benjamin C. Franklin, George F. Moore, Franklin H. Merriman, James Willie, A. M. Lewis, W. S. Oldham, as special Judges of the Supreme Court, one hundred dollars each.

For printing the report of the commissioners, appointed to prepare a code of civil and criminal procedure to be paid on the order of the Governor, five thousand dollars.

#### PENITENTIARY.

For salary of the Superintendant, twelve hundred dollars annually.

For pay of Directors and Physicians, fifteen hundred dollars annually.

For pay of Financial Agent, twelve hundred dollars annually.

For support of the Penitentiary, fifteen thousand three hundred dollars annually.

For completion and support of Cotton and Wollen Factories, pay of employees, purchase of raw material, and fuel nine thousand dollars annually, or so much thereof as may be necessary.

For John S. Besser, Financial Agent, for extra services, in the purchase of Engine, Machinery (and so forth) and receiving and shipping the same, five hundred dollars.

Sec. 2. That no claim shall be paid out of the contingent fund until the same shall have been examined by the committee on contingent expenses, and signed by the Chairman.

Sec. 3. That one tenth of the annual revenue of the State arising from direct taxation, is hereby appropriated, and set apart for educational purposes.

Sec. 4. That during the recess of the Legislature the Public Printer shall return all work to the Secretary of State, which may be required by law, ordered by either House of the Legislature to be done, which if correct will be approved by him, and the account for the same shall be audited by the comptroller, and provided further, that the account for printing the reports of the code of commissioners shall be examined and approved by the Governor, and that this act shall take effect from its passage.

Approved 4th of February, 1856.

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## CHAPTER LXII.

An Act authorizing and requiring the Assessor and Collector of Tarrant County to collect the taxes now assessed in the former Territory of Tarrant County, and now Parker County and pay over the same to the County Treasurer of said County of Parker.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Assessor and Collector of the County of Tarrant be, and he is hereby authorized and required to collect all the tax that may be now assessed in the former territory of Tarrant County, (now Parker County,) and pay over to the county Treasurer of Parker County all monies so collected from the citizens of said Parker county, including the State and County tax, taking the receipt of said Treasurer for the same, which shall be a sufficient voucher in his settlement with the County Court of Tarrant county.

Sec. 2. That this act take effect from its passage.

Approved 2nd Feb. 1856.

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## CHAPTER LXIII.

An Act to re-organize the Second Judicial District, and fix the times of holding the Courts therein.

Section 1. Be it enacted by the Legislature of the State of Texas: That the second Judicial District shall be composed of the counties of Bastrop, Caldwell, Guadalupe, Hays, Williamson, Burnet and Travis.

Sec. 2. That the District Court for the county of Bastrop shall be held on the first Monday in April and October, and may continue in session two weeks. In the county of Caldwell, on the second Monday after the first Mondays in April and October, and may continue in session two weeks. In the county of Guadalupe, on the fourth Monday after the first Mondays in April and October, and may continue in session two weeks. In the county of Hays, on the sixth Monday after the first Mondays in April and October, and may continue in session one week. In the county of Williamson, on the seventh Monday after the first Mondays in April and October, and may continue in session two weeks. In the county of Burnet, on the ninth Monday, after the first Mondays in April and October, and may continue in session one week. In the county of Travis, on the tenth Monday after the first Mondays in April and October, and may continue in session until the business is disposed of.

Sec. 3. That all laws and parts of laws, heretofore enacted, relating to the time of holding the several Courts in the said second Judicial District, be and the same are hereby repealed; and that all process which has been issued, and made returnable to the several Courts of said District, shall be, and are hereby made returnable to the said courts respectively, at the periods of their session as specified in this act, and that all recognizances and bonds entered into by any person or persons, in said courts with reference to the period of their respective sessions under the law heretofore in force, shall be, and are hereby made obligatory upon the parties with reference to the terms of said courts respectively, and as prescribed by this act.

Sec. 4. That all process made returnable to the District courts of any of said counties, as prescribed by law at the present time, shall be returnable to the terms of said courts as herein prescribed, and that this act take effect and be in force from and after its passage; Provided, that the Judge of the second Judicial District shall hold the court for the Spring of the present year, in the county of Fayette on the fourth Monday in March, and may continue in session two weeks.

Approved 2nd Feb. 1856.

## CHAPTER LXIV.

## An Act to provide for the liquidation and settlement of certain Meritorious Claims therein named.

Whereas: Certain persons furnished supplies and other articles, for the use of our army in the years 1835, '36 and '37, at par, and whereas, the Auditor and Comptroller in the adjustment of said claims, audited the same at less than their actual value, but recommended the parties for the residue of the amount, to the favorable consideration of the Legislature; and whereas, it is the disposition of the government to award full justice to all those who rendered her aid in her revolutionary struggle, therefore

Section 1. Be it enacted by the Legislature of the State of Texas: That on the acceptance of this State of an act of the United States Congress, entitled an act to provide for the payment of such creditors of the late Republic of Texas, as are comprehended in the act of Congress of September the 9th, 1850, which act was approved on the 28th day of February, 1855, it shall be the duty of the Auditor and Comptroller of this State, to ascertain the difference between the pro rata payment which will be awarded to the creditors of said late Republic, under said act of Congress, and the face value of the claims of the following named individuals, and issue certificates of public debt therefor, including interest due on such difference from the date of the last payment of interest, to the first day of July, 1850, at the same rate per cent as the original certificates.

That is, the difference between the pro rata as aforesaid, and the face value of eighteen hundred dollars funded debt of June 7th, 1837, issued to Jesse Holderman; also the difference as aforesaid on the three thousand dollars of the same, issued to Henry Raguet; also the difference as aforesaid, on the four hundred dollars of the same, issued to J. H. Polly; also the difference as aforesaid, on the four hundred dollars of the same, issued to Kitty McCoy; also the difference as aforesaid, on the four hundred dollars of the same, issued to Joshua H. Davis; also the difference as aforesaid, on the twelve thousand three hundred dollars of the same, issued to John W. King; also the difference as aforesaid, on the two hundred dollars issued to Joseph Barnard; also the difference as aforesaid, on the eleven hundred dollars of the same, issued to Aaron Calvin; also the difference as aforesaid, on the two hundred dollars of the same, issued to Lucian Navarro; also the difference as aforesaid, on the two thousand dollars of the same, issued to J. Antonio Nav-

arro; also the difference as aforesaid, on the six hundred dollars, issued to William E. Honth; also the difference as aforesaid, on the one thousand dollars of the same, issued to Howard Decrow; also the difference as aforesaid on the two hundred dollars of the same, issued to Eli Mercer; also the difference as aforesaid, on the thirty-one hundred dollars of the same, issued to David Decrow; also the difference as aforesaid, on the five thousand dollars of the same, issued to Elijah Decrow; also the difference as aforesaid, on the ninety-eight thousand nine hundred dollars of the same, issued to McKinney and Williams, less ten thousand dollars, redeemed on the settlement of the account of Gail Borden, jr., collector of Customs at Galveston, and on the six thousand one hundred and seventy-seven dollars and ninety cents, of the Treasury notes issued to Thomas Smith, with interest at ten per cent, from the thirteenth day of February, 1839.

Sec. 2. That the certificates when issued as aforesaid, shall be paid by the Treasurer out of any money in the Treasury, not otherwise appropriated; Provided, the same does not exceed sixty thousand dollars.

Sec. 3. That the several amounts found to be due as aforesaid, shall be paid to the original claimants only as above specified, or their heirs, on their filing a receipt to the State in full satisfaction of the claims in question.

Approved 2nd February, 1856.

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## CHAPTER LXV.

An Act to detect and prevent the payment of fraudulent certificates of Public Debt, and to provide for [the] collection of certain money due by the United States.

Whereas: It is known that a large amount of certificates of the several classes of debt of the late Republic of Texas are in circulation and

Whereas: By an Act of the present Legislature assenting to the proposition from the Congress of the United States, in relation to the debt of the said late Republic, said debt is to be paid at the Treasury of the United States, and whereas, said counterfeits are likely to be paid at the Federal Treasury unless proper means are taken to detect and discover the same.

Therefore in justice to the bonafide holders of said debt; and to prevent fraud being committed.

Section 1. Be it enacted by the Legislature of the State of Texas: That it shall be the duty of the Comptroller of public



accounts, under the direction of the Governor, to proceed to the city of Washington and examine all evidence of debt of the late Republic of Texas, presented for payment at the Treasury Department under the Act of Congress, approved on the 28th of February 1855, before referred to, and if found genuine and correct, to approve the same; and to reject all such as are found fraudulent or counterfeit.

Sec. 2. That said Comptroller shall obtain from the records of his or any other of the Treasury offices of this State, such evidence or records, either original or copies, as will enable him to carry into effect the object of this Act, and protect the interest of the State.

Sec. 3. That it shall be the duty of the Comptroller to keep a register of all certificates of debt by him approved, and also, of all certificates by him rejected or disallowed as fraudulent, which register shall be deposited in the Comptroller's Office as a public archive.

Sec. 4. That the said Comptroller shall collect from the Treasury of the United States all money due this State for payments made on account of that class of debt for which the revenues of the late Republic were pledged as are comprehended in the act of Congress known as the boundary Act approved September 9th 1850; according to the report of the Secretary of the Treasury to the President of the United States, and approved by him on the 13th of September 1851; and the opinion of the Attorney General of the United States addressed to the Secretary of the Treasury, under date of September 26th 1853, for which purpose the Treasurer or other officers of this State, shall deliver to the said Comptroller such evidence of payment as will enable him to obtain the money aforesaid.

Sec. 5. That it shall be the duty of the Comptroller of public accounts to transmit all funds that he may collect for the State under the provisions of this Act to the Treasury of this State in some secure manner, after deducting therefrom the actual expense incurred in carrying this Act into effect, an account of which shall be audited by the Secretary of State and Treasurer.

Sec. 6. That this Act shall take effect from and after its passage.  
Approved 2d February 1856.

CHAPTER LXVI.

An Act to authorize the County Courts of this State to grant a License for the retail of spirituous, vinous and [other] intoxicating liquors in quantities less than a quart, and imposing a license tax for such privilege.

Section 1. Be it enacted by the Legislature of the State of Texas: That any person or firm hereafter wishing to engage in the business occupation of selling spirituous, vinous or other intoxicating liquors in quantities less than a quart, shall have the privilege of doing so, upon his, her or their application in writing to the county court of the county where he, she or they shall reside, stating the house or place where he, she or they propose to carry on such business and occupation and for what length of time.

Sec. 2. That upon the presentation of the written application of the party or parties to the county court, it shall then be the duty of said court to order the Clerk thereof to issue to the applicant a license, authorizing him, her or them to retail spirituous, vinous or other intoxicating liquors in quantities less than one quart at the house or place specified in said written application, and for the length of time applied for upon conditions hereinafter prescribed.

Sec. 3. That before the Clerk of the county court shall issue to the applicant a license to retail spirituous, vinous and other liquors in quantities less than a quart, he, she or they shall make and deliver to the county Treasurer, a bond payable to the Chief Justice of said county, with two or more good and sufficient sureties to be approved by said Treasurer, in the sum of one thousand dollars, conditioned that the applicant and those acting or attending to said business for him, shall keep an orderly house or place for the retail of spirituous liquors, and that he will not permit a sale of spirituous liquors to be made at his house or place to minors under the age of sixteen years, or students of any institution of learning, or to negro slaves without the written permission of the master, mistress or overseer of said slave, and that he will not permit any games to be played at the house or place whether licensed or not, which bond upon being approved by the said county Treasurer, shall be filed in his office, as an obligation belonging to his county.

Sec. 4. That when the party or firm shall have executed the bond with security as prescribed in the preceding section of this Act and shall have paid into the county Treasury of the county a license tax, at the rate of two hundred and fifty dollars for one year, for the time he, she or they have applied for

the license, and shall produce to the Clerk of the county court, the county Treasurer's receipt for the amount of money paid by him, then the said Clerk shall issue to him a license to sell at retail any spirituous, vinous or other liquors, in quantities less than a quart, at the house or place, and for the time specified in the application.

Sec. 5. That if any person or firm shall sell or be in anywise concerned in selling spirituous, vinous or other intoxicating liquors in quantities less than one quart, without first having obtained a license therefor in the manner prescribed by this Act; he, she or they shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any District court Justice of the Peace or Mayor of any City or incorporated town shall be fined in any sum not less than fifty nor more than two hundred dollars, and be imprisoned in the county Jail until such fine and the costs be paid, and no person so convicted shall be discharged from such imprisonment before the expiration of thirty days, unless the fine and costs be sooner paid, any law to the contrary notwithstanding.

Sec. 6. That if any person or firm shall sell or be concerned in selling, or shall permit any other person to sell any spirituous vinous or other intoxicating liquors in quantities of a quart or more and shall permit or suffer the same to be drunk at or about the place or establishment where sold, or at or about any other house provided for that purpose, he, she or they upon conviction thereof, before any court mentioned in the next preceding section shall be fined as therein prescribed.

Sec. 7. That all fines, forfeitures and penalties and revenues arising under the provisions of this Act shall be exclusively appropriated by the county Treasurer to the payment of general and petit Jurors of the county in accordance with the existing laws regulating the jury-fund of counties: That in all prosecutions for any violation of any of the provisions of this Act, it shall be sufficient to allege and prove that the person charged with any such violation did sell or was concerned in selling spirituous, vinous or intoxicating liquors, and it shall not be necessary to allege or prove the kind of liquor sold, the name of the person or persons to whom the same was sold, or that the same was sold without license. This Act shall in all cases be liberally and remedially construed.

Sec. 8. That no license shall be issued by the Clerk of the county court, nor shall the county court grant a license to any party or firm for a less term than four months.

Sec. 9. That if any person or firm shall violate any of the conditions of the bond required of him, her or them by the pro-

visions of this Act, it shall be the duty of the county Treasurer to institute suit thereupon in the name of the Chief Justice of the county for the use and benefit of the Jury-fund of the county, and the full amount of the penalty shall be recovered from the principals and sureties upon proof of a breach of any of the conditions thereof.

Sec. 10. That it shall be the duty of the county Clerk, Treasurer and county Commissioners to prosecute for all violations of the fifth and sixth sections of this Act, before the Justices of the Peace of the precinct where they are committed.

Sec. 11. That if any person or firm shall sell any spirituous, vinous or other intoxicating liquors in quantities less than a quart whatever, to any person without first having obtained a license therefor according to the provisions of this Act, such sale shall be deemed contrary to public policy, and any person or persons who shall be sued upon such contract shall be allowed to plead the same in bar and to prove the same.

Sec. 12. That no provision in this Act shall apply to Beer manufactured in the State of Texas.

Sec. 13. That an Act regulating and restricting the sale of spirituous liquors, passed 11th of February A. D. 1854, be and the same is hereby repealed; and this Act take effect and be in force from and after the first Monday of April next.

Approved 2d February 1856.

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## CHAPTER LXVII.

An Act to fix the salaries of the Judges of the Supreme and District Courts.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Judges of the Supreme Court of this State shall receive each a salary of three thousand dollars per annum.

Sec. 2. The Judges of the District Courts of this State shall receive each a salary of twenty-two hundred and fifty dollars per annum.

Sec. 3. This act shall take effect only as to Judges hereafter elected.

Approved 2d February, 1856.

## CHAPTER LXVIII.

An Act defining the Counties composing the third Judicial District, and the time of holding the Courts therein.

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the passage of this act, the following counties shall compose the Third Judicial District, to wit: Washington, Burleson, Milam, McLennan, Bosque, Coryell, and Bell.

Sec. 2. That there shall be two terms of the District Court held in each year, in each of the counties of the Third Judicial District, as follows, to wit:

In the county of Washington on the first Mondays in April and October, and may continue in session four weeks.

In the county of Burleson on the fifth Mondays after the first Mondays in April and October, and may continue in session one week.

In the county of Milam on the sixth Mondays after the first Mondays in April and October, and may continue in session one week.

In the county of McLennan, on the seventh Mondays after the first Mondays in April and October, and may continue in session two weeks.

In the county of Bosque on the ninth Mondays after the first Mondays in April and October, and may continue in session one week.

In the county of Coryell on the tenth Mondays after the first Mondays in April and October, and may continue in session one week.

In the county of Bell on the eleventh Mondays after the first Mondays in April and October, and may continue in session two weeks.

Sec. 3. That all writs and process of every kind, that have been or may hereafter be issued from any of the District Courts of the Third Judicial district, shall be considered as returnable, and shall be returned to the terms established by this act, and all such writs and process shall have the same force and effect, as if they had originally been issued so returnable.

Sec. 4. That all acts, and parts of acts, conflicting herewith, be, and the same are hereby repealed, and that this act take effect and be in force, from and after its passage.

Approved 2d February, 1856.

CHAPTER LXIX.

An Act to create Maverick County.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the territory included within the following limits, to wit: beginning at the confluence of Elm creek and the Rio Grande, thence down the Rio Grande to the North-West corner of Webb county, thence along the North-West boundary of Webb county to the Nueces river, thence up the Nueces river with its meanders to the mouth of Indian creek, thence in a direct line to the place of beginning, be, and the same is hereby created into a new county, to be called Maverick county.

Sec. 2. That Ludovic Colquhoun, of the town of Eagle Pass, be, and he is hereby authorized to organize the said county by ordering and causing an election to be held therein, for the necessary county officers. He shall for that purpose, at any time within six months after the passage of this act, order an election to be held at the election precincts already established in said territory, on a day to be designated by him; he shall appoint a presiding officer for each precinct, and shall cause notices of the time and place of holding said election to be posted ten days previous thereto, at three or more public places in said territory, the said election shall be conducted in all respects as other elections for county officers, the said Ludovic Colquhoun is also authorized to administer the necessary oath of office to the persons who may be elected at the said election.

Sec. 3. That in the case the said Ludovic Colquhoun shall fail to organize the said county as provided in this act, the Chief Justice of Medina county shall be authorized to organize the same.

Sec. 4. That Eagle Pass be, and the same is hereby declared the county site of said county.

Sec. 5. That until the said county of Maverick shall be organized, all the territory included within the limits mentioned in the first section of this act be, and the same is hereby attached to the county of Kinney, for all judicial and county purposes.

Sec. 6. That all acts and parts of acts conflicting with the provisions of this act, be, and the same are hereby repealed, and that this act take effect and be in force, from and after its passage.

Approved 2d February, 1856.

## CHAPTER LXX.

## An Act to create the County of Uvalde.

Section 1. Be it enacted by the Legislature of the State of Texas, That all that territory included within the following limits, in the county of Bexar: beginning at the junction of the Rio Frio and Leona rivers, thence up the Rio Frio to the South-Western corner of Medina county, thence North with the Western boundary line of Medina county thirty-six miles to its North-Western corner, thence West to the Nueces river, thence down the river Nueces to the crossing of the upper Presidio del Rio Grande road, thence in a direct line to the place of beginning, be, and the same is hereby created a new county, and named the county of Uvalde.

Sec. 2. That the County Seat be established within eight miles of the centre of said county, to be called the town of Uvalde.

Sec. 3. That it shall be the duty of the Chief Justice of Medina county to cause an election to be held within three months from the passage of this act at the various precincts already established in said territory for the purpose of electing county officers for the said county of Uvalde, which election shall be conducted in accordance with the mode prescribed by law for the election of county officers, and the said Chief Justice shall award certificates of election to those persons who shall be duly elected as officers of said county of Uvalde, within the time and in the manner prescribed by law.

Sec. 4. That all laws and parts of laws conflicting with this act, be, and the same are hereby repealed.

Sec. 5. That this act take effect from, and after its passage.

Approved 2d February, 1856.

## CHAPTER LXXI.

## An Act creating the County of Young.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the territory comprised within the following limits, to wit: beginning at a point due West of the South West corner of the county of Jack, and six miles Eastwardly from the South-East corner of the Indian reserve, as surveyed by English measure, thence North thirty miles, thence West thirty miles, thence South thirty miles, thence East to the place

of beginning, be, and the same is hereby created into, and constituted a new county, under the name and style of the county of Young.

Sec. 2. That William H. Burkett, Peter Harmanson, Allen Johnson, Harry George, and James Duff, a majority of whom may act, be, and they are hereby appointed Commissioners, with full powers to organize said county, whose duty it shall be, as soon as practicable after giving the notice required by law, to open and hold an election for all necessary county officers, said Commissioners to have full authority to qualify them as the law directs.

Sec. 3. That it shall be the duty of said Commissioners to cause an election to be held at the time of electing county officers, for the purpose of choosing a seat of Justice for said county. The Commissioners in selecting places to be voted for as the county site, shall have due regard for donations of land that may be offered, timber, water, and eligibility of site, &c. One or more places to be put in nomination, and the place receiving a majority of all the votes cast, shall be declared the Seat of Justice for the county of Young, under the name and style of Belknap, provided the place so elected shall be within five miles of the centre of said county.

Sec. 4. That the Commissioners appointed by this act, before entering upon the discharge of their duties, shall take and subscribe an oath before some one competent to administer oaths, to faithfully and impartially discharge the same.

Sec. 5. That for Judicial purposes the territory embraced within the limits of the county herein provided for, together with the territory North of the Wichata, thence West to the source of the same, thence South to the Clear Fork of the Brazos, and down said stream to its mouth, shall be attached to the county of Wise, until otherwise provided for by law.

Sec. 6. That this act take effect, from and after its passage.

Approved 2d February, 1856.

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## CHAPTER LXXII.

### An Act to create Kinney County.

Section 1. Be it enacted by the Legislature of the State of Texas: That all the territory included within the following limits to wit: Beginning at the north west corner of Uvalde county on the Nueces river; thence west to Devils river;



thence down the same to its junction with the Rio Grande; thence down the Rio Grande to the mouth of Elm creek; thence in a direct line to a point on the west bank of the Nueces river, opposite the mouth of Indian creek; thence up the Nueces river with its meanders to the place of the beginning, shall be created into a new county to be called Kinney county.

Sec. 2. That Oscar B. Brackett of the county of Bexar be, and he is hereby authorized to organize the said county of Kinney by ordering and causing an election to be held therein for the necessary county officers. He shall, for that purpose, at any time within six months after the passage of this Act, order said election to be held at the election precincts already established in said territory, on a day to be designated by him, he shall appoint a presiding officer for each precinct, and shall cause notices of the time and place of holding said election to be posted ten days previous thereto, at three or more public places in said territory; the said election shall be conducted in all respects, as other elections for county officers.

Sec. 3. That the said Oscar B. Brackett also be authorized and empowered to administer the necessary oath of office to the persons who may be elected at said election. In case of the failure of the said Oscar B. Brackett, to organize the said county of Kinney as provided in this Act, it shall be the duty of the Chief Justice of Medina county to organize the said county.

Sec. 4. That all the territory between the Rio Grande and Nueces rivers, south of the county of Kinney as hereby created, and north of Webb county, shall for all judicial and county purposes, be attached to the county of Kinney, until the same shall be organized into a separate county.

Sec. 5. That survey No. 283 section No. 13, at or near the head of the Las Moras creek, be and the same is hereby declared the county site of said county, and shall be called Brackett.

Sec. 6. That this Act take effect from and after its passage, and that all Acts and parts of Acts conflicting herewith be, and the same are hereby repealed.

Approved 2d February 1856.

CHAPTER LXXIII.

An Act to legalize the official acts of J. P. Dumas, District surveyor of Grayson county.

Section 1. Be it enacted by the Legislature of the State of Texas: That all surveys made by J. P. Dumas as District surveyor of Grayson county, and his Deputies, between the eighteenth day of June 1849, and the eighteenth day of August A. D. 1852, be, and the same are hereby made as legal and valid as if the official bond of said Dumas had been a legal one.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved 4th February 1856.

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CHAPTER LXXIV.

An Act amendatory of an act concerning Crimes and Punishments, approved 20th March, 1848.

Section 1. Be it enacted by the Legislature of the State of Texas, That if any person or persons shall falsely make, counterfeit, forge, or fraudulently alter or change any instrument of writing, or printing, or document of any kind, with the intent, and for the purpose of being used or made for use, in or at any of the public departments or offices of this State, at the Seat of Government, or at any of the public offices of any county of this State, with intention of obtaining from any such public office of said State or county, any certificate, county or donation warrant or land scrip, or patent for any of the public lands of the State, or with the intent of obtaining any money or property belonging to the State or county, then he, she, or they, shall be deemed guilty of fraud and forgery, and upon conviction thereof shall, be imprisoned in the Penitentiary not less than five nor more than twenty years.

Sec. 2. That any authentic copy of a proclamation which the Governor shall issue, offering a reward for the arrest of any person charged with having committed any such fraud or forgery, as described in the first section of this act, or for the arrest of any person who may be charged with wilful and malicious burning of any building, containing the books, papers, records, archives and documents of any such public office, shall be sufficient authority to any officer or citizen holding any such authentic copy, to arrest, and hold, and carry such person or per-

sons, from the place of arrest, through any county or counties, to the place of prosecution and trial, without the necessity of having any other warrant, or other criminal process.

Sec. 3. That the sum of ten thousand dollars be, and the same is hereby appropriated out of any money in the Treasury of the State, for the purpose of paying the expenses of arresting any such offenders, and carrying them to the county or counties where the prosecution is commenced, and for the compensation of such witnesses who shall be summoned in behalf of the State upon such trials, and for the safe keeping of such offenders in custody, until the final trials thereof, and for the payment of such other expenses, concerning the prosecution of such offenders as the Governor and Attorney General, or the Governor and District Attorney of any Judicial District shall deem necessary, and shall certify to be just and reasonable, without regard to former laws.

Sec. 4. That this act shall be given in charge by the District Judges of the several Districts to the Grand Juries of the several Counties of this State, and that this act take effect and be in force, from and after its passage.

Approved 2d February, 1856.

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## CHAPTER LXXV.

An Act authorizing the Trustees of the several School Districts of Comal County to levy and collect a special tax for school purposes.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of the county of Comal, are hereby authorized and required to levy in the several School Districts of said county, a special tax for school purposes: Provided, That the inhabitants of each district to be taxed, shall consent to such taxation by a vote as prescribed in the second section of this act: and provided further, that said tax shall not be of greater amount in any district than the State tax.

Sec. 2. That it shall be the duty of the Chief Justice of said Comal County to order an election at any time within three months after the passage of this act, at which election a vote of the inhabitants of each School District in the county shall be taken; those in favor of the tax to vote "for the special school tax," and those opposed thereto, to vote "against the special school tax;" returns of such election shall be made to the

Chief Justice within ten days thereafter; and in those districts in which a majority of the votes cast shall be for the special school tax, a tax shall be levied and collected agreeably to the first section of this act, and in those Districts in which a majority of the votes cast shall be against the special school tax, no such tax shall be levied.

Sec. 3. That the taxes herein before provided for shall be collected by the Assessor and Collector of said Comal County, in the manner in which other taxes are collected, and that when collected, he shall pay the same to the County Treasurer, whose duty it shall be to pay the sum collected in each district to the trustees or other persons having supervision of the public schools of said District: Provided, This law shall not apply to the property of non-residents of the county.

Sec. 4. That this act take effect from, and after its passage.

Approved 4th February, 1856.

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## CHAPTER LXXVI.

An Act to pay Assessors and Collectors of Taxes, for taking the number of the scholastic population of their respective Counties, for the years 1854 and 1855.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Assessors and Collectors of the different Counties of the State of Texas, shall be entitled to ten cents a head for each and every person they may have returned to the County Clerk and Treasurer of the State, over six and under sixteen years of age, in discharging the duties assigned them by an act, entitled an act to establish a system of Schools, approved January 31st, 1854, and they shall be paid the said sum of ten cents per head for taking the scholastic population for each of the years 1854 and 1855, by the Treasurer, out of any money in the Treasury, not otherwise appropriated, and this act shall take effect immediately.

Approved 4th February, 1856.

## CHAPTER LXXVII.

An Act supplementary to An Act, entitled An Act relating to the Indians of Texas, approved Feb. 6, 1854.

Section 1. Be it enacted by the Legislature of the State of Texas, That jurisdiction over five leagues of land of the vacant domain of the State of Texas, or so much thereof as the government of the United States may select, be and the same are hereby set apart and appropriated for the use and benefit of the several tribes of Indians residing west of the Pecos river, and within the limits of the State of Texas.

Sec. 2. That the government of the United States is hereby authorized to cause to be selected and surveyed of the vacant domain of the State, or to purchase of private individuals, and cause to be distinctly marked, one district, containing five leagues as aforesaid or less, which said district shall be located and selected west of the Pecos river, and the said quantity of land may be determined according to English measurement.

Sec. 3. That whenever the proper agent of the government of the United States, shall notify the District Surveyor of the land district within the limits of which the land so selected or purchased may be situated, it shall be the duty of said District Surveyor to cause such land, so selected or purchased, to be plainly delineated upon the County Map of the County in which the same is situated, and any location or entry upon any vacant land, after the same shall have been so designated for Indian purposes, shall be held null and void.

Sec. 4. That the jurisdiction over said five leagues of land, or any portion thereof, which may be selected for Indian purposes, within the meaning of this act, and the act to which this is a supplement, be, and the same is hereby ceded to the government of the United States, so far as to enable it to extend any act of Congress now existing or hereafter to be passed, regulating trade and intercourse with the Indian tribes; Provided this cession of jurisdiction shall not be construed so as to deprive the State of Texas of the right of jurisdiction over any person, other than an Indian, for any offence committed upon the person or property of any one within the limits of the State; and further provided, that all process issuing from any of the Courts of this State, may be served in like manner, and have the same force and effect as though executed in any other portion of this State, and the survey heretofore made by the authority of the

United States for Indian Reserves, be recognized in the General Land Office of this State according to English measure.

Sec. 5. That the settlement, conditions and restrictions, named in the fifth section of the act to which this is a supplement, approved February 6th, 1854, be, and the same are hereby declared to attach to the grant of jurisdiction herein named.

Sec. 6. That this act take effect from its passage.

Approved 4th February, 1856.

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## CHAPTER LXXVIII.

An Act to restore land sold for Taxes and purchased by the State, to the former owners on certain conditions.

Section 1. Be it enacted by the Legislature of the State of Texas, That the former owner of lands that have been sold for taxes, and purchased by the State, shall have two years from and after the passage of this act, to redeem the same upon paying to the Assessor and Collector of Taxes, of the County wherein the land lies all arrearages of taxes unpaid, with fifty per cent per annum on all taxes that are or should be due on such lands, had the former owner continued to own and give in the same for taxation, and a fee of two dollars to the Assessor and Collector for his services.

Sec. 2. It shall be the duty of the Assessors and Collectors to compute the value of lands that have been sold for taxes, and have remained unassessed for any number of years in accordance with the value of lands lying in the vicinity of such land so sold and purchased by the State.

Sec. 3. The Assessor and Collector shall make a separate quarterly return to the Comptroller, specifying the lands redeemed as herein provided, and the amount of taxes collected thereon, which tax he shall pay into the Treasury, as required for the payment of other taxes. The certificate of the Assessor and Collector shall be sufficient evidence that the lands have been redeemed, and the former owner restored to all the rights he possessed in such lands prior to the sale of the same for taxes. Nothing in this act shall be so construed as to prevent parties from paying the taxes so due to the Comptroller. And this act take effect and be in force from and after its passage.

Approved 5th February, 1856.

## CHAPTER LXXIX.

An Act providing a remedy for persons wishing to change their christian and sir names, or either, and to adopt another, instead thereof.

Section 1. Be it enacted by the Legislature of the State of Texas: That hereafter when any person, acting in his or her own right, or a minor, under the age of twenty-one years, shall desire to change either his or her christian, or sir-name, or both, and to adopt another name instead thereof, shall file his or her application in the District court, of the county, of his or her residence, setting forth the causes which induce him, or her, to desire a change of name, and to adopt another, whereupon the Judge, of the said court, if in his opinion it should be for the interest or benefit of the applicant to change his or her name, and to adopt another, shall by a Judgment of said court, order that the adopted name, of the party, shall be substituted for the original name.

Sec. 2. Whenever it shall be the interest of any minor, under the age of twenty-one years, to change his or her name, and to adopt another name instead of the original name, the guardian, or next friend of said minor, shall file his or her application in the District court of the county of the said minor's residence, setting forth the causes, which induce the minor, to desire to change the original name, accompanied with the full name, which the minor, wishes to adopt. Whereupon the Judge of said court, if the facts contained in the application, shall satisfy him, that it will be for the benefit and interest of the minor to change his or her name and to adopt another, shall grant authority to change his or her original name, and to adopt another instead thereof.

Sec. 3. Whenever any person shall change his or her original name, and adopt another instead thereof, it shall not operate, so as to release the person from any responsibility which he or she may have incurred by the original name, nor shall it operate, by said change of name, to defeat or destroy any rights of property or action which the person had or held in his original name.

Sec. 4. This Act shall be in force from and after its passage.

Approved 5th February 1856.

CHAPTER LXXX.

**An Act to regulate Mustang chases West of the San Antonio River.**

**Section 1.** Be it enacted by the Legislature of the State of Texas: That any citizen of this State wishing to chase mustangs or wild cattle, shall apply to and receive from the Chief Justice of any of the counties lying west of the San Antonio river a written permit, with the seal of his office thereunto attached, which shall include the name of the party applying and those of his associates, and the time for which said permit is given, which time shall not be longer than six months.

**Sec. 2.** That it shall not be lawful to run mustangs or wild cattle within the spring or summer months, to wit: March, April, May, June, July and August; nor shall it be lawful to run mustangs or wild cattle within ten miles of the Rio Grande.

**Sec. 3.** That the person so applying shall give bond and security in the sum of two hundred dollars, payable to the Chief Justice of the county extending the said permit, conditioned that all the provisions of this Act shall be complied with.

**Sec. 4.** That the person so applying shall be responsible for the orderly conduct of their associates, and that all animals taken in the chase shall be presented and such taxes paid thereon as shall be prescribed by law; that they shall pay to the Chief Justice and county Clerk of the corresponding county, the sum of fifty cents for each application.

**Sec. 5.** That there shall be paid to the county Treasurer, by the parties holding permits, the sum of twenty-five cents on each and every unmarked or unbranded horse, mare, colt, cow or bull, and a tax of two dollars on each and every mule so presented.

**Sec. 6.** That the county Treasurer shall be entitled to retain ten per cent of all monies so collected by him under the provisions of this Act, and the residue shall be placed to the credit and for the benefit of said county.

**Sec. 7.** That it shall be the duty of the parties holding permits, to report to the Chief Justice, or county Clerk, all branded or marked beast taken in the chase, and shall advertise them, fully describing the color, mark or brand and time of sale, by posting in writing a notice in each of the several precincts in the corresponding county, one of which shall be at the court house door, at least twenty days before the day of sale, and all such sales shall take place at the court house door, provided no claim-



ant appears, of the county in which the beast were taken; the sale shall be conducted by or under the supervision of the Chief Justice or county Clerk of the corresponding county. Ten per cent of such sale shall be retained by said Chief Justice or county Clerk; fifty per cent shall go to the parties returning the same, and the residue shall be paid to the county Treasurer, and be placed to the credit of the said county.

Sec. 8. That all violations of this Act shall subject the parties to a confiscation of all animals taken in the chase or otherwise; seventy-five per cent shall be paid to the informant or complainant, and the residue paid to the Treasurer of the county in which said confiscation shall be made, and they shall also be liable to such fine and imprisonment as the court may prescribe.

Sec. 9. That all laws and parts of laws conflicting with the provisions of this Act, be, and the same are hereby repealed, and that this Act take effect from and after its passage.

Approved 6th February 1856.

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## CHAPTER LXXXI.

An Act more particularly declaring the duties of Deputy Clerks.

Section 1. Be it enacted by the Legislature of the State of Texas: That all deputies regularly appointed by the Clerks of the several District Courts of this State, shall have power to take depositions, and to do and perform all other acts that may be lawfully done by said principal Clerks.

Sec. 2. Be it further enacted; That the deputies regularly appointed by the several Clerks of the County Courts of this State, have power to take the separate acknowledgements of married women, acknowledging the execution of deeds and other instruments of conveyance, executed by them, in the same manner as the same may be taken by said principal Clerks, and that such Deputy Clerks have power to take proof of the execution of all deeds, mortgages and other instruments of writing that are by law required or allowed to be recorded. And to take the acknowledgements of the persons executing such deeds, mortgages and other instruments of writing, and to do and perform all other acts required to be done by said principal Clerks. And that all such acts heretofore done by such Deputy Clerks are hereby declared to be as valid as if done by said principal Clerks. And that this act take effect and be in force from and after its passage.

Approved 9th February, 1856.

# JOINT RESOLUTIONS.

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## CHAPTER I.

Be it Resolved by the Legislature of the State of Texas:

That his Excellency, the Governor, be authorized and requested to issue his Proclamation and order for an election to fill the vacancy occasioned by the death of the late Joseph C. Harrison, Representative from the counties of Cherokee and Angelina, to those counties, and that he order said election to be holden on Thursday, the 12th day of December next, and that the Chief Justices of said counties be authorized to break the poll and compare the vote upon the next day after said election.—That the Chief Justice of Angelina, or Commissioners of Angelina county, as provided by law, shall issue his certificate of election to the elect, as soon as the facts are ascertained, that he may proceed to the city of Austin immediately; provided that five days previous notice shall be given of said election.

And this resolution take effect from and after its passage.

Approved 28th November, 1855.

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## CHAPTER II.

1st, Resolved by the Legislature of the State of Texas, That this State regards the act of Congress passed in 1850, admitting California into the Union, fixing the boundary of Texas, establishing territorial governments in Utah and New Mexico, composing a part of what is commonly called the compromise measures of 1850, as questions fully settled, so far as they have relation to the question of slavery, and that Texas is opposed to any change in those laws effecting (affecting) their principles on the great questions which have unhappily divided the Northern and Southern States of the Union.

2d, Resolved, That the State of Texas regards the remaining act of the compromise measures of 1850, commonly called the fugitive slave law, as a measure of constitutional right and justice to the slave-holding States, essential to their peace and the preservation of their rights, and that she would look upon the repeal or modification of that act, as an invasion of her constitutional rights, and a just cause of alarm to herself and her sister States of the South.

3d, Resolved, That the State of Texas regards the late act of the United States Congress known as the Kansas Nebraska act, whereby those territories are thrown open to settlement alike by citizens from the slave holding and non-slaveholding States, as a measure founded in the true spirit of the Federal Constitution of justice to all parts of the Union, and of vital importance to the Southern States of the confederacy, as well as the permanent peace of the Nation; and while this State utterly opposes the repeal of that law, or any modification of its provisions effecting (affecting) the immigration or rights of slave holders in said territories, she, in common with her sister States of the South, would regard such repeal or modification as an invasion of the true spirit of the Constitution of the United States, as sectional in its character, and as a just cause of alarm on the part of the slave holding States. That the Governor cause copies of this resolution to be forwarded to each of our Senators and Representatives in the Congress of the United States, duly authenticated.

Passed 20th November, 1855.

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### CHAPTER III.

Whereas, It appears from the report of the Directors of the State Penitentiary, that for the purpose of forwarding the Factory system in said Institution as provided for by law, the Agent of the Penitentiary, under their advice, has advanced from the Penitentiary appropriations, the sum of five thousand five hundred and forty-eight dollars and seventy cents. And,

Whereas, it appears from said report, that the sum will be needed for the current expenses of the quarter ending December thirty-first A. D. 1855. Therefore,

Be it Resolved, by the Legislature of the State of Texas,

That the sum of five thousand five hundred and forty-eight

dollars and seventy cents, be, and the same is hereby appropriated for the purpose of meeting the aforesaid advancement.

Second, Resolved, That the Comptroller of Public Accounts is hereby required, on the requisition of the Agent, to draw his warrant on the Treasurer for the same, and that this resolution take effect from and after its passage.

Approved 22d January, 1856.

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#### CHAPTER IV.

Be it Resolved, by the Legislature of the State of Texas,  
That the Legislature approves the course of Thomas J. Rusk, in voting for the Kansas Nebraska Act, and disapproves the course of Sam Houston, in voting against it.

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#### CHAPTER V.

Be it Resolved by the Legislature of the State of Texas:

That the intercourse laws of the United States for the prevention of the sales of Wines and Ardent Spirits to Indians, be extended for the distance of ten miles from the boundary lines of the Indian Reserves in this State, upon which Indians have been or may hereafter be settled by the United States Indian Agents, and may continue in force so long as such reserves are kept for Indian purposes, and that this resolution take effect and be in force from and after its passage.

Approved 4th February, 1856.

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#### CHAPTER VI.

Whereas, by An Act of Congress jurisdiction in matters civil and criminal arising under the laws of the United States, has been conferred upon the Presiding Judge of the Third Judicial District in and for the Territory of New Mexico, over all that portion of the State of Texas West of the Pecos river; and, whereas, said laws of Congress does not provide for the holding of a term of said Court within the limits of the State of Texas, whereby the rights of persons and of property

might be determined within the limits of this State, and by juries selected from the body of the people of Texas.

And Whereas, such an act is at variance with the Constitutional rights of this State and the citizens thereof, residing in said portion of the State, West of the Pecos River; therefore,

Be it Resolved by the Legislature of the State of Texas:

That our Senators in Congress be instructed, and our Representatives requested to use their efforts to secure the passage of a law of Congress repealing the aforesaid act, and establishing a separate District Court of the United States, for said portion of country West of the Pecos river, or providing for the holding of regular terms of said Court, at some point in said section of this State.

## STATE OF TEXAS.

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I, Edward Clark, Secretary of State, of the State of Texas, Certify that the Sixth Legislature of said State commenced its session at the city of Austin, on Monday the fifth day of November, in the year one thousand eight hundred and fifty-five, and adjourned on Monday the fourth day of February, in the year one thousand eight hundred and fifty-six, to meet again on Monday, the seventh day of July thereafter.

And I further certify, That the Acts and Joint Resolutions contained in this volume are true copies, with the exception of the words embraced in brackets, taken from the original rolls deposited in the Department of State, with which they have been carefully compared.

Given under my hand and official seal, the first day of  
[L. s.] April, in the year one thousand eight hundred and  
fifty-six.

EDWARD CLARK.

Note.—The words embraced in brackets were inserted by the Secretary of State in comparing the laws, supposing them to be omissions in enrolling the bills.



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**SPECIAL LAWS**

**OF**

**THE SIXTH LEGISLATURE**

**OF**

**THE STATE OF TEXAS**

**PASSED AT ITS**

**SESSION CONVENED NOVEMBER 5, 1855**

---

**BY AUTHORITY.**

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**AUSTIN**  
**1856**



# SPECIAL LAWS.

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## CHAPTER I.

An Act entitled an act to amend an act entitled, "An act to incorporate the City of San Antonio," approved January 14th, 1842.

Section 1. Be it enacted by the Legislature of the State of Texas, That the fourth section of the above recited act be, and the same is hereby amended so as to read as follows, to wit: The annual election of city officers shall take place on the fourth Monday of December of each and every year; public notice thereof being given by the mayor of said city, at least ten days before the election; and the mayor, alderman, and other officers elected at such elections, shall enter upon the discharge of the duties of their offices respectively, on the first day of the month of January next succeeding the election, and shall continue in office for one year.

Sec. 2. Be it further enacted, That the following section be added to the said act incorporating the city of San Antonio, to wit: The said city of San Antonio shall be, and the same is hereby divided into three wards, the limits of which shall be the same as those of the three precincts, into which said city is now divided for county elections; and on the fourth Monday in December, in the year one thousand eight hundred and fifty-five, and at all succeeding elections thereafter for city officers, polls shall be opened in each and every of said wards, at the places where county elections are usually held, and it shall be the duty of the mayor and alderman of the said city, immediately after the passage of this act, to convene for the purpose of appointing, and to appoint presiding officers to hold elections in each of the said wards, agreeably to the provisions of the fourth



section of the act to which this is a supplement, and like presiding officers shall be appointed for each and every election thereafter; and it shall be the duty of the officers of the election of each of said wards, to make and deliver the mayor, or in the absence of the mayor, to the secretary of said city, within twenty-four hours after each election, a return of such election; and immediately after receiving said returns, it shall be the duty of the Mayor, or in his absence it shall be the duty of any two of the Aldermen of said city, to open the returns, estimate and declare the result of the election, cause a record to be made of the same, and to deliver, or cause to be delivered, a certificate of election to each person elected. And all the provisions of the act of March 16th, 1848, regulating elections, which are applicable to this act, shall apply thereto, unless otherwise herein, or in the act to which this as a supplement, provided for.

Sec. 3. Be it further enacted, That so much of the act incorporating the city of San Antonio as is in conflict with this act, is hereby repealed, and that this act take effect from, and after its passage.

Approved 26th November, 1855.

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## CHAPTER II.

### An Act for the relief of Albricht Gehrke.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor of the State be and he is hereby authorized and empowered to commute the sentence and punishment of the said Albricht Gehrke, a prisoner now, under sentence of death in the county jail of Harris county, for murder in the first degree and reprieved by the Governor until the seventh day of December, one thousand eight hundred and fifty-five, to imprisonment for life in the Penitentiary of the State, or elsewhere, and such commutation of punishment shall have the same force and effect as an original condemnation to said commuted punishment would have had in law.

Section 2. That nothing in this act shall be so construed as to interfere with the constitutional discretion of the Governor to pardon or respite the said prisoner.

Sec. 3. That this Act shall take effect from and after its passage.

Approved 31st November, 1855.

CHAPTER III.

An Act to amend An Act to incorporate the Jefferson Rail Road Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the second section of the above recited act be so amended as to read as follows:

Sec. 2. That the company be, and is hereby invested with the right to locate, construct, own and maintain a railway, commencing at the town of Jefferson, in Cass county, and running so as to connect with the Mississippi and Pacific Rail Road, or Vicksburg and El Paso Rail Road at some suitable point, or with the Vicksburg, Shreveport, and Texas Rail Road, on the Eastern boundary line of the State of Texas.

Sec. 3. That this act take effect from its passage.

Approved 26th November, 1855.

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CHAPTER IV.

An Act to allow Clinton Thompson, a minor, to take possession and control of his estate, and to transact business as though he were of full age.

Section 1. Be it enacted by the Legislature of the State of Texas, That Clinton Thompson, a minor, be, and he is hereby allowed to take possession and control of his estate, and to transact business as though he were of full age; and he shall be liable for all contracts or agreements made by him, the same as if he were twenty-one years of age.

Sec. 2. That this act take effect from, and after its passage.

Approved 13th December, 1855.

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CHAPTER V.

An Act to incorporate Powder Horn Bayou and Matagorda Bay Dredging Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That there is hereby created and established a corporate company, to be styled "Powder Horn Bayou and Matagorda Bay Dredging Company, with a capital which shall not

exceed twenty-five thousand dollars, in shares of one hundred dollars each, for the purpose of deepening the bar at the mouth and in front of Powder Horn Bayou, so as to facilitate the navigation of said Bayou by steam boats, and other water crafts.

Sec. 2. That for the purpose of facilitating the organization of said company, and carrying into effect the objects contemplated by the Legislature in creating said corporation and granting this charter, the following named persons be, and they are hereby appointed commissioners, to wit: D. M. Stapp, H. J. Huck, Edward Parish, John H. Dale, and W. H. Woodward, of the county of Calhoun.

Sec. 3. That the Commissioners named aforesaid, or such of them as will act, be, and they are hereby authorized and required, by, or before the first day of May, 1856, or as soon thereafter as practicable, to open in the city of Indianola, books of subscriptions, wherein any individual may enter his name—for so many shares of the stock of said company, as he may desire to take, not to exceed twenty-five shares. That when a party subscribes for stock, he shall pay to the Commissioners ten per cent. on the amount of stock so taken, and when ten thousand dollars of said stock shall be taken, it shall be the duty of said Commissioners to appoint a time and place for organizing the company under this charter in the city of Indianola, at which time a meeting of the stock-holders shall be held, and the stock-holders represented in person or by proxy, at such meeting, shall elect Directors to manage the affairs of said company. So soon as the Directors are elected, the commissioners shall deliver into their hands and control, the several original books of subscription, and pay over to them the several amounts of stock paid in on account of stock subscribers, when their duties as Commissioners shall cease, and all further subscription shall be kept in books by the company, under the control of the Directors.

Sec. 4. That the subscribers to said stock, their assigns, associates, and successors, shall be a body politic and corporate, contemplated by this charter, and created by the first section of this act, and under said corporate name, shall be capable in law of suing and being sued, of pleading and being impleaded, of contracting under seal or without, of appointing its officers and agents, dismissing and re-appointing others in their stead, and of doing all and everything necessary to be done, in order to open or deepen the channel leading from Matagorda Bay into Powder Horn Bayou, so that steam ships, steam boats, and sail crafts of every name and description, drawing eight feet of water, can pass from the Bay into the Bayou without detention in con-

sequence of the bar; said corporation to have and possess all the rights and powers, and to be subject to all obligations and responsibilities, incident to, usually allowed, and attached to said (such) corporations, with power to make such by-laws, (amend and alter the same) as they think proper, not inconsistent with the constitution and laws of the State.

Sec. 5. That there shall be a board of five Directors, one of whom shall be elected President by the Board, and a majority of whom shall have authority to act in the management of the affairs of the company. After the first election herein provided for, an election shall be held on the first Monday of December of each and every year for Directors of said company; and in case an election is not held at said time, the incumbent Directors shall appoint another time for an election, and shall continue to act until an election can be held and others elected. In case of vacancy from any cause in the Directory, the other Directors, or such of them as remain, may fill such vacancies by appointment.

Sec. 6. That the channel to be opened shall be at least fifty feet wide, and at least eight feet deep from the Bayou to the open Bay at ordinary tide, so that vessels drawing eight feet water can pass in and out without detention by reason of the bar.

Sec. 7. That said company be, and they are hereby authorized to demand, receive and collect from the captain, master, owner or person controlling any water craft passing through the channel opened by said company, such reasonable toll as the company may from time to time establish: Provided however, That the State shall at all times have the right to regulate the same: that they shall not be permitted to charge toll for, or on account of any vessel or other water craft passing through said channel, which would or could have passed through without its having been deepened by said company.

Sec. 8. That the domicile or office of said company, shall be at the city of Indianola, where all elections shall be held, and three of the Directors must reside.

Sec. 9. That said company shall begin as soon as practicable after its organization to open a channel as authorized by this act, and shall complete the same by, or before the first of January, eighteen hundred and fifty-eight, under penalty of forfeiting this charter. The said company shall keep the said channel at all times open, and should boats be detained by reason of filling up the bar during such times, no toll shall be charged, and should the company not remove the obstruction so as to make the channel such as is required by this charter within sixty days, without

good cause, they shall be liable to have their charter forfeited by scire facias, or have the same repealed by the Legislature.

Sec. 10. That this act be in force from, and after its passage—and for, and during the term of twenty years from, and after the first day of January, 1856.

Approved 13th December, 1855.

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## CHAPTER VI.

### An Act for the relief of John N. Taylor.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Commissioner of the General Land Office, be and he is hereby required to issue to John N. Taylor, a certificate for nine hundred and sixty acres of land, as his bounty for services in the Texas army during the year 1837, which may be located and patented as other certificates; and the Auditor and Comptroller are hereby required to audit his claim for four hundred and ninety-two dollars and eighty-two cents, in satisfaction of his pay for recruiting services during the year 1836, and services as a Lieutenant during the campaign of 1842; provided that it shall not appear from examination that he has ever received said land or pay for services, which claim, when audited, may be paid out of any money remaining in the Treasury not otherwise appropriated by law.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved 8th January, 1856.

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## CHAPTER VII.

### An Act for the relief of Ira B. Demint.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of three hundred and forty dollars and thirty-three cents, be and the same is hereby allowed to Ira B. Demint for services as armorer and blacksmith in the army of Texas, from the fifth of October 1835, until the 12th of March 1836, including board, use of shop, tools, &c., which shall be in full for said service, and paid out of any money in the Treasury not otherwise appropriated, and that this Act take effect from its passage.

Approved 10th January 1856.

CHAPTER VIII.

An Act to incorporate the town of Cameron in the County of Milam.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Cameron in the county of Milam be, and they are hereby declared a body corporate and politic, under the name and style of the corporation of the town of Cameron, who shall have the power of suing and being sued, pleading and being impleaded, and to hold property real and personal within the limits of said corporation, and at their pleasure to sell and dispose of the same.

Sec. 2. That the corporate limits of the said town shall extend one half mile east and west, and north and south each way, from the center of the public square, thus forming a square mile.

Sec. 3. That it shall be the duty of the Chief Justice of the county to order an election to be held as early as practicable after the passage of this Act, upon giving ten days notice thereof, for the election of one Mayor and six Aldermen, a Collector, Treasurer and Secretary, who shall hold their offices for the term of one year from the time of their election. In case a vacancy occurs by death, resignation or otherwise, the vacancy for the unexpired term shall be filled by new elections as follows: in the case of vacancy in the office of Mayor, then the election to be conducted by a quorum of the board of Aldermen; but in case of vacancy in the board of Aldermen, Collector, Treasurer or Secretary, then the election shall be conducted by the Mayor. All persons residing within the corporation shall be entitled to a vote for the above named officers, who are eligible to vote for members of the Legislature.

Sec. 4. That the Mayor and two thirds of the Aldermen shall constitute a board to transact business.

Sec. 5. That the Collector, Treasurer and Secretary shall give bond in such sum and with such securities as shall be approved by the Mayor and board of Aldermen, and that all officers elected by virtue of this Act, before entering upon the duties of their office, shall take and subscribe an oath for the faithful performance of their duties of their respective offices.

Sec. 6. That the Mayor shall have jurisdiction and exercise the powers of a Justice of the Peace over all offences committed against the ordinances and decrees of the Mayor and board of Aldermen, within the limits of the corporation.

Sec. 7. That it shall be the duty of the Mayor to cause an election to be held annually, at least ten days before the expira-

tion of his term of office, for Mayor, Aldermen, Collector, Treasurer and Secretary, who shall enter upon the duties of their offices respectively, upon the expiration of the term of their predecessors.

Sec. 8. That the Mayor and Aldermen shall have power to pass such ordinances and decrees as they shall deem necessary for the establishing schools and support of education; for the regulation of the police and preservation of order; to prescribe penalties, to levy taxes, for the removal of nuisances, keeping the streets in order and such other purposes as the board may deem necessary and proper, within the corporate limits of said town, provided such ordinances and decrees shall not conflict with the constitution and laws of the State, and that this Act take effect from and after its passage.

Approved 14th January 1856.

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## CHAPTER IX.

### An Act to incorporate the Texas and New Orleans Telegraph Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Robert D. Johnson, John N. Rose and Daniel D. Atchison of the city of Galveston and their associates, be, and they are hereby incorporated, under the name and style of the Texas and New Orleans Telegraph Company, and by that name shall have succession, and be capable in law of suing and being sued, of defending and being defended, of pleading and being impleaded, of having a common seal and the same to make, break or alter at pleasure; to acquire, have and hold estate real, personal and mixed, and the same to buy, exchange, sell, mortgage, transfer, pledge or otherwise incumber and alienate, as said company may deem expedient.

Sec. 2. The capital stock of said company shall not exceed two hundred thousand dollars, divided into shares of one hundred dollars each, nor shall it be used in any other manner, or for any other business, than that connected with the business of said company, as set forth in the following section.

Sec. 3. Said company shall be, and are hereby authorized to establish and put up a Telegraph line from Galveston, extending along the Gulf coast to the line dividing the States of Louisiana and Texas, and from the city of Galveston to the cities of Austin and San Antonio, in the most direct and practicable route; to appoint and remove all such agents and officers as

they may think proper and necessary for the purposes aforesaid, and to establish a tariff of charges on all the business done on said line; and to alter and regulate the same as they may deem expedient.

Sec. 4. The holders of stocks already subscribed, or which hereafter may be subscribed, shall be called as soon as practicable to meet at the city of Galveston, to organize under this Act; and until the close of such meeting the persons named in the first section of this Act, shall be the directors of the company.

Sec. 5. At the first meeting of the stock-holders, said company shall elect their officers and make such by-laws as they may deem expedient; provided nothing herein contained shall prohibit said company from vesting in their officers the power to fill such subordinate offices and agencies as the company may find necessary to create; provided also that their by-laws shall not be inconsistent with this Act or the laws of the State.

Sec. 6. At all meetings of the stock-holders, a share of one hundred dollars shall be entitled to one vote, which shall be given by the holder in person, or by written proxy.

Sec. 7. The books of the company shall always be open to the inspection of any share-holder, and no share of stock shall be transferred except upon said company's books, when a new certificate shall issue to the assignee.

Sec. 8. Said company are authorized to connect their line with other lines, or to permit other lines to connect with theirs upon such terms as they may agree.

Sec. 9. The officers of said company may determine to what extent the non-payment of shares upon stock shall operate as a forfeiture of the same.

Sec. 10. All contracts may be executed under this Act, in the corporate name of the company.

Sec. 11. In all suits against said company, citation duly served on the President shall be sufficient.

Sec. 12. That said company shall be required to transmit all messages and dispatches over their line, that may be received by them from other lines that may be connected with their line, at the same rates of charges, as may be charged on their said line.

Passed 15th January 1856.



## CHAPTER X.

## An Act for the relief of James W. Reed.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Treasurer of the State is hereby authorized and required to pay to James W. Reed, or his agent, the sum of seven hundred and fifty dollars, it being the amount of salary due said Reed as District Attorney of the eleventh Judicial District for eighteen months, from the fall term of the District court in El Paso county for the year 1850, to the spring term of said court A. D. 1852.

Sec. 2. That this Act take effect from and after its passage.

Approved 16th January 1856.

## CHAPTER XI.

## An Act for the relief of the heirs, assignees and vendees of William F. Allison, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That a title issued by George Antonio Nixon, Commissioner of David G. Burnett's Colony, to William F. Allison for one league of land is hereby declared to be as valid and effectual as if the same had been located within the limits and boundaries of said colony, and the State of Texas doth hereby relinquish to the heirs, assignees and vendees of the said Wm. F. Allison, all the right and title, which she hath in and to the said league of land.

Sec. 2. Be it further enacted, That the first section of this act shall enure to the benefit of those persons who have derived title to portions of said league of land by descent or purchase from the said William F. Allison, to the extent of their several claims there-to, in as full and ample a manner as if they were herein respectively named; Provided this act shall not effect (affect) titles acquired previous to the passage of this act.

Sec. 3. That this act shall take effect and be in force from and after its passage.

Passed 20th January, 1856.

## CHAPTER XII.

## An Act to incorporate the Town of Chappell Hill.

Section 1. Be it enacted by the Legislature of the State of Texas; That the citizens of the town of Chappell Hill in the

County of Washington, be, and they are hereby declared a body politic and corporate, under the name and style of the Town of Chappell Hill, and by that name may sue and be sued, plead and be impleaded, may hold and dispose of property, real and personal, and have a common seal for the transaction of its business.

Sec. 2. That the boundaries and limits of said Town, and in which said corporation shall exercise lawful jurisdiction, shall be as follows: Commencing in the bed of the first branch of Cedar Creek near the north-west corner of the Masonic graveyard, thence due east so as to include said grave-yard, to Tunstall's branch, so called; thence southerly along the bed of said branch to the Stephen's league line; thence westerly on the north line of said land to the branch first mentioned; thence northerly along the bed of said branch to the place of beginning.

Sec. 3. That there shall be a Council of said Town, to consist of a Mayor and six Aldermen, who shall be elected by the qualified electors residing within the corporate jurisdiction of said Town. There shall also be elected at the same time and in the same manner, one Recorder, one Treasurer and one Marshal. That all the officers elected by this act, shall, before they enter upon the duties of their respective offices, take and subscribe an oath before any officer authorized to administer oaths, that they will faithfully and impartially discharge the duties of their respective offices, and the Treasurer and Marshal shall also give bond with two or more sufficient securities, to the Mayor and his successors in office, to be approved by the Council in such sum as they require, not exceeding two thousand dollars, conditioned to perform all the duties of their respective offices.

Sec. 4. That an election shall be held in said Town, on the first Monday in April of each and every year, for a Mayor, six Aldermen, one Recorder, one Treasurer and one Marshal.—That the first election shall be ordered and directed by the Chief Justice of said County, as in general elections, and every subsequent election shall be ordered and directed by the Mayor, who shall have the same power, as is given by the law regulating general elections to the Chief Justice, or so far as the same may be applicable, declare the results and issue certificates of election. When the office of Mayor may be vacant, or he shall be absent from the County, or fail or refuse to perform his duty in this respect, then any two of the Aldermen may perform the said duty; and if they should fail or refuse from any cause, then the Chief Justice of the County shall perform the same.

Sec. 5. That all officers elected by virtue of this act, shall

hold their offices until the next annual election, and when a vacancy may occur in any of said offices, an election shall forthwith be ordered to fill such vacancy, and the officers so elected, shall hold their offices until the next annual election; Provided, that all officers elected shall hold their offices until their successors shall be duly qualified.

Sec. 6. That all free white males over the age of twenty-one years, who have been resident citizens of the town three months next preceding any election, and are qualified electors for members to the Legislature, shall be entitled to vote for officers of said corporation.

Sec. 7. No person shall be eligible to the office of Mayor or Alderman unless he is entitled to a vote and owns real estate in the town. The other officers shall be citizens and entitled to a vote.

Sec. 8. That the Mayor shall be president of the Council; that the Mayor and three of the Aldermen shall constitute a quorum to do business. That the regular meetings of the Council shall take place on the third Mondays in April, July, October and January of each year. Special meetings may be held at such times as the Mayor may direct in writing signed by him.

Sec. 9. The Council shall have power to enact such rules, ordinances and regulations as they may deem necessary for the proper government and improvement of said town, and the preservation of order within the Corporate limits; Provided, they shall not conflict with the Constitution or laws of the State. They shall enact rules and by-laws to regulate their own proceedings, and shall have full power to enact and enforce proper police regulations. They shall have and exercise control and supervision over the public squares and streets of the town, regulate the paving and cleansing of the same, regulate the markets, remove nuisances, establish the squares, streets and side-walks of the town, and keep them in order, and for such purposes may appoint such officers as they may deem proper, prescribe their compensation and remove them at pleasure; and they may enact penalties and forfeitures for the infraction or violation of any of the rules and ordinances, regulations or by-laws, not to exceed in any case, the sum of one hundred dollars for any one offence; and they may compel all male persons over the age of seventeen years and under forty-five, residents of said town, to work on the squares and streets; Provided, such persons shall not be compelled to work more than six days in any one year (and shall be exempted from any other road

in said County) and they may impose such fines on defaulters as they may deem proper, not exceeding two dollars for each day's failure, and may allow any person to pay an amount of one dollar per day in lieu of the labor.

Sec. 10. That the Council at a regular meeting shall have the power to levy a tax on all real estate within the limits of said Corporation subject to taxation by the laws of the State; Provided, the tax of any one year shall not exceed one fourth of one per cent *ad-valorem*; that they may levy a poll tax on every free male person residing in said Corporation, over the age of twenty-one years and under fifty, not exceeding one half dollar on each, which taxes shall be assessed and collected by the Marshal, under the same regulations as the State tax is collected so far as they may be applicable, and paid over to the Treasurer of the town; one copy of the assessment roll to be returned to the Council and filed by the Recorder.

Sec. 11. It shall be the duty of the Recorder to enter in a well bound book all the rules, ordinances, regulations and by-laws, and proceedings of the Council, and preserve the same, together with all papers, reports, and documents filed with him, belonging to the Council, and he shall be entitled to such compensation as the Council may allow him for his services.

Sec. 12. It shall be the duty of the Marshal to attend the Council when in session and to preserve order, to execute all writs legally issued to him by the Mayor and Council, and he shall have and exercise the same powers as Constable of the Courts; execute and return said writs in the same manner as provided by the law defining the duties of Constables, and he shall be allowed the same fees as are allowed to Constables in like cases.

Sec. 13. It shall be the duty of the Treasurer to receive and safely keep all the money of the Corporation, and shall only pay out the same under an order of the Council, evidenced by draft signed by the Mayor and attested by the Recorder, and he shall make reports to the Council under oath, of the state of the finances of said Corporation from time to time as they may order.

Sec. 14. That the Mayor and each Alderman shall be conservators of the peace, and the Mayor shall have the same jurisdiction in criminal cases, misdemeanors and breaches of the peace as is vested by law, in Justices of the Peace, and shall be governed by the same laws.

Sec. 15. All suits for the recovery of fines, penalties and forfeitures for violation of the ordinances, rules and regulations and by-laws of the Council, and for the recovery of taxes and

other dues to the town, shall be instituted before the Mayor in the name of "The Town of Chappell Hill," and the said Mayor shall in such cases be governed by the law governing Justices Courts.

Sec. 16. All fines, forfeitures and demands recovered before the Mayor, shall be paid to the Treasurer of the Corporation, to be applied to the use of the Corporation.

Sec. 17. At the close of each meeting of the Council, the Mayor shall examine the entries of the proceedings of the Council, made by the Recorder and approve the same, which shall be considered record evidence, in all Courts, of the acts and proceedings of the Council.

Sec. 18. The Mayor and Aldermen shall be entitled to such compensation for their services, while in session, as may be allowed by the Council, not exceeding two dollars per day.

Sec. 19. If at any meeting of the Council the office of Mayor be vacant, or be absent, unable or unwilling to attend, from any cause, the Aldermen present shall elect one of their number to act as Mayor pro tem, and if the office of Recorder or Marshall be vacant, or be absent, unable or unwilling to attend from any cause, the Council shall appoint a Recorder or Marshal pro tem.

Sec. 20. That the Council while in session, shall have power to impose fines, or imprisonment for contempt.

Sec. 21. That all property within said town, not rendered to the Marshal by the first day of August, in each year by the owners for assessment, shall be assessed by the number of lots and blocks, and the tax thereon shall be collected as other taxes in the Corporation.

Sec. 22. That it shall be the duty of the Recorder to post up, forthwith at some public place in said town, a copy or copies of all rules, ordinances and regulations for the government of the town; and that all the books of the Corporation shall be open for the inspection of the citizens of the town at any and all times convenient for the same.

Sec. 23. That this act shall take effect from and after its passage.

Passed 20th January, 1856.

CHAPTER XIII.

An Act for the relief of Benjamin F. Benton.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be authorized and required to issue a warrant upon the Treasurer, requiring him to pay to Benjamin F. Benton, one hundred and thirty-six dollars, out of any monies in the Treasury not otherwise appropriated, and that this act shall take effect and be in force from and after its passage.

Approved 18th January, 1856.

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CHAPTER XIV.

An Act to Establish and Incorporate a Literary Institution, under the supervision and control of the Eastern Texas Annual Conference, located at or near the Town of Gilmer in Upshur County.

Section 1. Be it enacted by the Legislature of the State of Texas, That an Institution of learning be, and the same is established at or near the town of Gilmer in the county of Upshur, to be denominated the Gilmer Female College, under the supervision and control of the Eastern Texas annual conference of the Methodist Episcopal Church South.

Sec. 2. That the following persons have been duly chosen Trustees for said Institution by the said conference, and are organized as such, to-wit: B. F. Williams, Esq., Silas M. Smith, William H. Hart, Esq., R. M. Cade, Thomas C. Gillespie, J. L. Camp, Esq., Walter Paine, I. Derrick, Dr. E. H. Taylor, S. C. Hart, Esq., Dr. George Ford, Dr. F. C. Hallenquist and Thomas D. Brook, Esq

Sec. 3. That the Trustees ofore said be and they are hereby constituted a body politic and corporate, in deed and in law, and by the name of the President and Trustees of Gilmer Female College, under the supervision and control of the Eastern Texas Annual Conference of the Methodist Episcopal Church South, and by that name they and their successors in office, shall and may be capable in law, to have and to receive, to hold and use, all lands, tenements, monies and hereditaments of any kind in fee, or for life, or for years, for the use and benefit of said Eastern Texas Conference of the Methodist Episcopal Church South, and also property of any kind whatsoever; and also all sums of money whatsoever which may be given, granted

or bequeathed to them for the purpose of promoting the interests of said Intitution; Provided, the amount of property owned by said corporation, shall not exceed one hundred thousand dollars over and above the buildings, library and apparatus necessary for said Institution.

Sec. 4. That the Trustees of said College shall have a stated meeting of the Board each year, at the time of conferring degrees; and that the President of said Board shall have the power to call an occasional meeting of the Board, whenever it shall appear to him necessary.

Sec. 5. That the Trustees of said College shall have a common seal for the business of themselves and their successors in office, with the liberty to change and alter the same from time to time as they may deem proper, and that they by their aforesaid name, and their successors in office, may and shall be able to sue and be sued, plead and be impleaded in all the courts of law and equity in this State, and by and with the consent of said Eastern Texas Annual Conference of the Methodist Episcopal Church South, to grant, bargain, sell or assign any lands, tenements, goods or chattels, now belonging, or that may hereafter belong to said College. To construct all necessary buildings for the same; and to construct a preparatory department, and such other dependent institution as they shall deem necessary, to have the management of the finances the privilege of electing their own officers, of appointing all necessary committees, and act and do all things whatsoever, for the benefit of said College in as ample a manner, as any person, or body politic or corporate can or may do by law.

Sec. 6. That said Trustees shall have the power to frame and enact any such ordinances and by laws as shall appear to them necessary for the good government of said college, and of their own proceedings; Provided, the same be not repugnant to the Constitution and laws of this State.

Sec. 7. That the head of this College be styled the President; the instructors employed in it the Professors, who shall be appointed by the said Eastern Texas Conference. And the President and Professors, or a majority of the Faculty of said College, who shall have power to enforce the ordinances and by-laws adopted by the Trustees of said college, for the government of the students.

Sec. 8. The President and Professors shall have full power by and with the consent of the Board of Trustees of said College, to grant and confer such degree or degrees in the arts and sciences, to any of the students of said College, or other persons

by them thought worthy, as are usually granted or conferred in other Colleges or Seminaries of science, and to give diplomas or certificates of the same, signed by them and sealed with the common seal of the Trustees of said College to authenticate and perpetuate the memory of such graduation.

Sec. 9. That all necessary sub-officers for said College and Board of Trustees, shall be elected by a majority of the Board of Trustees.

Sec. 10. That whenever any vacancy occurs either by death, resignation or otherwise in the Board of Trustees, such vacancy shall be filled by appointment of said conference.

Sec. 11. That whenever a vacancy shall occur in the Presidency or any of the Professorships of said College, the same shall be filled by the concurrence.

Sec. 12. That the Trustees by and with the consent of the Conference, shall have the power of fixing the salaries of all the officers and instructors connected with the Institution, and of removing any of them for neglect or misconduct in office; a majority of the Board of Trustees concurring in such removal.

Sec. 13. That no misnomer of said College, shall annul or make void in law or equity, any gift, grant or bequest made to the same.

Sec. 14. That the President and Professors of said College, shall not be eligible to act as Trustee or Trustees for the same, and in case any of the Trustees should hereafter be employed to discharge any of the duties of those functionaries, to-wit: Professors of said College, he, or they, shall resign their office as Trustee before entering on the duties assigned him or them.

Sec. 15. That when any law, rule or resolution may be passed by the Board of Trustees at a regular or stated meeting of said Board, it shall not be competent for a call (called) meeting of said board to repeal or rescind such law, rule or resolution, unless there is a full Board present; and that this act shall take effect and be in force from and after its passage.

Approved, 18th January, 1856.

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## CHAPTER XV.

An Act Supplementary to an Act, entitled an Act to incorporate the Town of Lagrange in the county of Fayette.

Section 1. Be it enacted by the Legislature of the State of Texas: That there shall be elected for said town, on the first Monday in February A. D. 1856, and every two years thereafter



ter, a mayor, a constable and six aldermen, who shall hold their offices for two years, and until their successors shall be qualified.

Sec. 2. The Mayor of said town shall order all elections for town officers, giving at least five days notice of any election by posting up three or more written advertisements in said town, one of which shall be at the court house door; he shall appoint some person to hold said election, who shall for all purposes connected with said election, be authorized to administer oaths, and shall conduct said elections in the same manner that elections for county officers are required to be conducted.

Sec. 3. The returns of all elections for town officers shall be made to the Mayor of said town on or before the second day after an election, under the same regulations and penalties that the returns for county officers are required to be made to the Chief Justice of the county, and it shall be the duty of the Mayor, when such returns have been made, to open said returns, to compare the votes, and to record the same in a book to be kept by him for that purpose, and he shall also give to persons receiving the highest number of votes for an office, a certificate of election, which certificate shall be deemed his commission.

Sec. 4. In the absence, disability or disqualification of the Mayor, any two or more aldermen of said town shall be authorized and empowered to perform all the duties of the Mayor, and to exercise all the powers given to the Mayor by this Act, and the Act to which this is a supplement.

Sec. 5. It shall be the duty of the town council of said town, to have the streets of said town kept in good repair, and for that purpose they have the power to levy and collect a street tax from all persons and property within the corporate limits of said town; provided, that all persons residing within the corporate limits of said town, shall be hereafter exempt from road duty.

Sec. 6. The Mayor shall, in a summary manner, try all offences against the laws passed by the council; shall assess the fine, where the same is not specifically imposed by the laws; shall give judgment and issue executions, provided, that the Mayor shall in all cases where fines are imposed, have the power to commit the person fined to the county jail until such fine and costs are paid; said town shall be responsible to the jailor for the jail fees of any person so committed, which jail fees shall constitute a part of the costs to be taxed against the defendant; provided further that, after the expiration of five days, such person may be released from prison, by making affidavit that he or she is too poor to pay such fine and costs; provided the accused shall have the right of trial by jury where the penalty

for violation of law is fine or imprisonment, except in cases of contempt.

Sec. 7. The town council of said town may license one or more Auctioneers for said town, under such regulations and restrictions as said council may deem proper; may impose a tax upon all Auction sales in said town not made by authority of law; they may also impose a license tax upon all establishments for the retail of vinous or spirituous liquors; provided that such license tax shall not exceed five hundred dollars per annum, nor shall the tax imposed upon Auction sales, exceed one per cent upon the gross amount of such sales.

Sec. 8. The Mayor of said town in cases of emergency may, appoint any number of deputy constables, who shall have all the powers of town constable under said appointment for one day and no longer.

Sec. 9. All parts of the Act to which this is a supplement, conflicting with the provisions of this Act, are hereby repealed, and this Act shall take effect and be in force from its passage.

Passed 24th January 1856.

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## CHAPTER XVI.

An Act to incorporate the town of Linden, in Cass County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Linden Cass county, be, and they are hereby declared a body politic and corporate, under the name and style of, "the corporation of the town of Linden," by which name they may sue and be sued, plead and be impleaded, and acquire and hold real and personal property, within the limits of said corporation, and at their pleasure sell and dispose of the same.

Sec. 2. That the limits of said corporation shall extend one mile in a square, so laid off as to leave the public square in the centre of said corporation.

Sec. 3. That it shall be the duty of the Chief Justice of the county to order an election, to be held as early as practicable, after the passage of this Act, giving five days notice thereof, for the election of one mayor, and five alderman and a constable, who shall hold their offices for the term of one year from the time of their election, and until their successors are duly qualified; the said mayor and alderman shall elect from their own body a Secretary and Treasurer. The Treasurer and Constable shall

be required to give bond with security to be approved of by the mayor, for the faithful performance of their duties, and to make reports when required by the mayor and aldermen. The mayor shall have and exercise all the powers and jurisdiction of a Justice of the Peace, and before entering upon the duties of his office, he shall take the oath prescribed in the constitution and give such bond with securities as Justices of the Peace are required to give; the constable shall have and exercise all the powers, and discharge all the duties within said corporation of a constable of the county, and before entering upon the duties of his office, he shall give bond with security to be approved by the mayor.

Sec. 4. That the mayor and board of alderman of said corporation shall have power to pass such rules and ordinances as may be necessary for the regulation of the police and the preservation of order, within the limits of said corporation; to levy taxes for the removal of nuisances and keeping the streets in good order, and to call out the citizens, subject to road duty, to work the streets; provided, that no person shall be required to work more than ten days in any one year, and they shall (be) exempt from all road duty in the limits of the county of Cass; and prescribe penalties for the violation of said ordinances or by-laws; provided that in no case, it shall exceed the sum of one hundred dollars.

Sec. 5. That the mayor, with a majority of said aldermen, shall constitute a quorum for the transaction of business; they may enact and enforce such rules and regulations as they may deem necessary for the government of the said corporation; provided, that the same do not conflict with the constitution or laws of the State. •

Sec. 6. That no person shall be eligible to hold an office in said corporation, or to vote for the officers thereof, unless he be a citizen of the State, and shall have resided in the limits of said corporation six months immediately preceding such election, provided that all persons living in said corporation, legally qualified to vote in other elections shall be entitled to vote, and hold office at the first election.

Sec. 7. That it shall be the duty of the mayor, to cause an election to be held annually, at least ten days before the expiration of his office, after giving at least ten days notice thereof, for a mayor and aldermen and constable, who shall enter upon the duties of their offices respectively, upon the expiration of the term of their predecessors.

Sec. 8. That in case of the failure of the mayor to order and

hold such election as specified in the foregoing sections, then any three citizens, within the limits of said corporation may, after giving ten days notice, order and hold such election.

Sec. 9. That this Act take effect and be in force from and after its passage.

Passed 24th January, 1856.

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## CHAPTER XVII.

An Act supplementary to an Act entitled "an Act to incorporate the Sulphur Fork Turnpike Company."

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of an Act, entitled, an "Act to incorporate the Sulphur Fork Turnpike company," approved 21st January 1852, be so amended as to read,

Be it enacted by the Legislature of the State of Texas, That Mark Epperson and such other person or persons as he may hereafter associate with him, are hereby incorporated and made a body politic under the name and style of, "the Sulphur Fork Turnpike company;" that said Epperson, and such others as he may associate with him, and his or their successors, shall constitute a body corporate and politic for the period of fifty years; under that name they shall be competent to contract for, buy, receive, hold and possess all kinds of property that may be necessary for the purposes for which said corporation is created; to make all contracts and generally to do all things necessary to effect the end for which they are incorporated; to sue and be sued, to have a corporate seal, to bind themselves with or without a seal, and to make their own by-laws, rules and regulations, not conflicting with the provisions of this Act, nor with the laws of this State, nor the constitution, nor the laws and constitution of the United States.

Sec. 2. That said company shall within four years from the passage of this Act, construct a good and substantial Turnpike road across the low lands on the Sulphur Fork of Red River, at Eppersons ferry, from the high land in the county of Cass, with bridges across the sloughs; the whole to be above ordinary overflow with the privilege of keeping a ferry boat in, or constructing a bridge across the main stream; Provided, said bridge shall be sufficiently high to admit the free passage of Steam boats, and further provided, that no additional charge for fer-

riage shall be made at said main stream, or for crossing said bridge.

Sec. 3. That this Act take effect and be in force from and after its passage.

Approved 19th January 1856.

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## CHAPTER XVIII.

An Act to incorporate the Brazoria County Insurance Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That John Adriance, M. S. Munson, A. Underwood, John W. Brooks, D. S. Perry, Abner Jackson, S. W. Perkins, E. H. Cushing, Mansel McCormick, N. A. Bryan and John H. Herndon and their present and future associates, successors and assigns be and are hereby incorporated and created a body politic and corporate, by the name and style of, "the Brazoria county Insurance company," and by that name and style they and their successors shall be capable of suing and being sued, and maintaining any action to final judgment and execution, and shall be in law capable of purchasing, holding, improving and conveying any estate real, personal or mixed, for the use of said corporation; and the said corporation shall have power to ordain, establish and put in execution, such by-laws, ordinances and regulations as shall be necessary for the government thereof; and it shall be lawful for the said corporation, after the expiration of the charter thereof, to use the corporate name, style and capacity for the purpose of suits for the final settlement and liquidation of the affairs and accounts of the corporation, and for the sale and disposition of their estate, real, personal or mixed, but not for any other purpose, or in any other manner whatsoever nor for a period exceeding three years after the expiration of the term of incorporation; Provided, nevertheless, that the foregoing section shall not be construed to authorize the said corporation to purchase or hold any real estate exceeding in value ten thousand dollars.

Sec. 2. That the capital stock of said corporation shall be one hundred thousand dollars divided into shares of fifty dollars each, and the same shall be created and paid in such manner, and at such times, as the President and Directors of said corporation shall require, of which requisition, the President shall give at least one month's notice by advertisement in the Democrat and Planter and other newspapers, and cause the same to

be notified to the stockholders; and if any stockholder shall, after due notice, neglect or refuse to pay any installment so required to be paid, he or she shall cease to be a member of said corporation, and the share or shares so forfeited, may be sold by said corporation in such manner as they may think proper; but such forfeiture, or forfeitures and sale of stock, shall not release the holder thereof, nor his, her or their securities on the notes contemplated to be given in the eighth section of this Act, from his, her or their liability on account of said notes, to any person or persons having a just claim against the corporation created by this Act.

Sec. 3. That for the well-ordering of the affairs of said corporation, there shall be nine Directors, who shall be stockholders of the corporation; they shall be selected by the stockholders, at their annual meetings, to be held on the second Mondays of March of each year for that purpose, and the Directors at their first meetings, (which shall be determined upon by a majority of the persons named in the first section.) shall choose one of their own number as President; Provided, nevertheless, that until the first annual election, the persons named in the first section of this Act, shall have and may exercise all the powers given to the President and Directors of (by) this Act; and in all elections for Directors, the vote shall be by ballot, and each stockholder shall have one vote for each share he may hold. But no stockholder shall vote at any election, unless the share or shares upon which he may claim to vote, shall have been standing, in his or her name, on the books of said corporation, for at least three months previous to such election. In case of absence from any general meeting, any stockholder may be entitled to vote by proxy.

Sec. 4. That a majority of the Directors, including the President, shall constitute a quorum, and shall have power to appoint such officers, clerks, agents and other persons as shall be necessary for conducting and executing the business of the said corporation, and to allow said persons, so appointed such compensation for their services respectively, as they may deem reasonable and just, and generally to exercise all other authority and power for the well-ordering and governing the affairs and funds of said corporation.

Sec. 5. That it shall be lawful for the said corporation, to employ the funds thereof in establishing and sustaining the business of Marine and Fire Insurance; to insure against loss or damages by sea or fire, monies and other risks of loss or damages to which vessels and merchandise are liable; vessels, mer-

chandise, treasure and freights; to insure vessels in part, buildings, merchandise and all other perishable property on land, against loss or damage by fire, within the limits of Brazoria, Fort Bend, Wharton and Matagorda counties, and on vessels and merchandise entering or navigating the Brazos river, but on no other vessels, and to charge collect and receive for the same such premiums of insurance as the President and Directors of said corporation may deem just and reasonable, and commensurate with the risk; but not at a rate higher than those charged in the city of New Orleans for like risks. It shall be lawful for the said corporation to lend at a rate of interest not exceeding ten per centum per annum, any surplus capital which they at any time possess, which may not be required for the payment of losses as ascertained to have accrued. But it shall not be lawful for said corporation to issue any promissory notes of the character of Bank bills, or to exercise Banking privileges.

Sec. 6. That the shares of said corporation shall be assignable and transferrable upon the books of said company according to such rules and regulations as the President and Directors thereof shall for that purpose ordain and establish, and in case the assignee of any share or shares of stock, shall deposit his note with securities as contemplated and provided for in section eight of this Act, the same to be approved by the county court as in said section eight is provided, then the assignor of said share or shares shall have the right to withdraw and cancel his note or notes and securities given for such share or shares of stocks, otherwise the notes and securities of said assignor to be and remain subject and liable to all the conditions and provisions contained in section ninth of this Act.

Sec. 7. That the President and Directors of said corporation shall annually, or semi-annually, divide to the stockholders thereof so much of the profits of the business of the said corporation as in their discretion they shall deem safe and proper, but no dividends of any of the profits of said company shall be made unless the capital paid in be and remain unimpaired, reserving therefrom a sum at the rate of two per centum to be appropriated to the agricultural society of Brazoria county.

Sec. 8. That the office of the company shall be determined by the Directors; and so soon as the President and Directors thereof shall establish, by evidence to the satisfaction of the county court of Brazoria county, that ten per cent of the capital stock of said corporation has been paid by the stockholders to the actuary or secretary thereof, and that the balance or residue of said capital of one hundred thousand dollars has been secured

to be paid when called for as contemplated in the second section of this Act, by the notes of the holders of said capital stock, secured with undoubted real or personal security of two or more persons, residents of any one of the counties before named, and also shall establish to the satisfaction of said county court, that the directors of said corporation have been organized in conformity with the provisions of this Act, then said county court shall give them a certificate thereof, which shall be their warrant to commence business operations under the authority vested by this Act.

Sec. 9. That in case the corporation created by this Act, shall fail, refuse or be unable to pay any judgment which may be recovered against the same, the person or persons interested in said judgment shall have the right of action against each stockholder thereof, and his, her or their securities on the notes required to be given by section eight of this Act, to recover the amount of such note or notes, until such judgment or judgments are satisfied and discharged.

Sec. 10. That the charter granted by this Act shall continue in full force and effect for the full term of twenty years from and after the passage of this Act.

Approved 21st January 1856.

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## CHAPTER XIX.

An Act for the relief of the heirs and assignees of Thomas Williams.

Section 1. Be it enacted by the Legislature of the State of Texas, That the State of Texas hereby relinquishes and confirms to the heirs and assignees of Thomas Williams, deceased, that certain league of land heretofore granted by the authority of the Mexican Government, to said Thomas Williams in the year 1829, and which is now lying within the boundaries of Rusk county; Provided, That nothing herein contained shall be so construed as to effect (affect) the rights of any third party.

Sec. 2. That this act shall take effect from, and after its passage.  
Passed 25th January, 1856.



## CHAPTER XX.

An Act for the relief of the Galveston and Red River Railway Company, and supplementary to the several acts incorporating said Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Galveston and Red River Railway Company shall have six months after the thirtieth of January, 1856, to complete the first twenty-five miles of their road, commencing at the city of Houston; and if said company shall complete said twenty-five miles within said six months after the thirtieth day of January 1856, its failure to complete any portion of its Road before that, shall not operate as a forfeiture of any of the rights of said company. But said company shall be entitled to the rights, benefits, and privileges, granted by an act approved January thirtieth, eighteen hundred and fifty-four, entitled an act "To encourage the construction of Rail Roads in Texas by donations of lands," upon the completion of said twenty-five miles within said six months, and the rights, benefits, and privileges of said act shall be confined to said company: Provided, It shall construct and complete twenty-five miles of Road each year after the expiration of said time: Provided, That said company shall keep their principal office on the line of said Road, during the continuance of their charter, with all the books, papers, and accounts of said company, which shall at all times be subject to the inspection, and examination of any stock-holder of said company; And provided, That a majority of the Directors of said company shall be required to reside in the State of Texas; all elections of Directors and other officers, shall be held in the said State: Provided further, That said company shall be required to complete the main trunk of said Road to the thirty-second degree of North Latitude, or until they shall connect with some road reaching to, or in the vicinity of Red River, before they shall commence any branch road: Provided further, That the act to regulate Rail Road Companies, approved 7th February, 1853, shall apply to this charter.

Sec. 2. That upon the application of the said company at any time, for the benefits of the act approved January the thirtieth, eighteen hundred and fifty-four, and referred to in the first section, it shall be proven to the satisfaction of the Governor, that said company has established and kept its principal office, books, and papers, on the line as required by the first section of this act.

Sec. 3. That upon the completion of any number of miles of said road, as required by the charter of said company, and the

act of January the thirtieth, eighteen hundred and fifty-four, and the issuance of any land certificates, to which said company may be entitled for said completion, said company may assign said land certificates by any instrument in writing under their corporate seal, and signed by their President, or other authorized agent. And the assignee shall have the same rights, and be governed by the same provisions, as said company in respect to the locations of said certificates, and may have the patents issued on said certificates, made to him, in his own name, and the title of the assignee shall thereupon be absolute.

Sec. 4. That said company is authorized to borrow money from time to time, for the construction of their Railway, and to secure such loan by pledging and mortgaging the property both real, personal and mixed, of said company, and to issue bonds with interest, warrants annexed and payable at such time and place as the Directors may deem proper, and that said company shall have the right, after the location and survey, or patent of said certificates, or any part of them to mortgage, hypothecate, or sell any part of said lands by any instrument in writing under their corporate seal, and signed by their President, or other authorized agent. But no sale or assignment made under the third and fourth sections of this act by said company, to any party with any trust reserved to said company, either expressly or impliedly, shall be valid: And provided, That the provisions of this section shall in no way release said company from the requirements of selling their lands within the time now required by law.

Sec. 5. That said Rail Road Company in accepting the benefits of this act, shall yield all general branching privileges, except such as are expressly granted by the provisions of its charter to certain points, and shall be required to spend only so much of its capital stock upon any branch as shall be expressly subscribed to such branch, and shall not spend upon its trunk any monies subscribed to any branch, and shall be required to complete its main trunk to the point on Red River contemplated in its charter, or to such point of intersection between said Road and some other Road, running from the Northern or Eastern boundary of Texas, towards El Paso, as shall be agreed upon between the Directors of said company.

Sec. 6. That nothing in this act shall be so construed as to effect (affect) the right of the State to repeal or modify the act of January 30th, 1854, entitled "An act to encourage the construction of Rail Roads in Texas by donations of land:" Provided,

That the rights to lands acquired before said repeal or modification, shall in all cases be protected.

Sec. 7. That this act take effect and be in force, from and after its passage.

Approved 23d January, 1856.

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## CHAPTER XXI.

An Act for the relief of E. M. Thomason, William W. Byers, Richard T. Barnett and John C. Clark.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to E. M. Thomason, a certificate for fourteen hundred and seventy-six acres of land; to William W. Byers, a certificate for eleven hundred and twenty seven (1127) acres; to John C. Clark, a certificate for (640) six hundred and forty acres, and to Richard T. Barnett, a certificate for (320) three hundred and twenty acres of land, which may be located on any public domain of the State, and on the return of field notes, patents shall issue as in other cases; and that this act take effect from its passage.

Passed 23d January, 1856.

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## CHAPTER XXII.

An Act to amend An Act supplementary to an Act, "To establish the Galveston, Houston and Henderson Rail Road Company, approved January 10th, 1854.

Section 1. Be it enacted by the Legislature of the State of Texas, That the second section of the above recited Act, shall be so amended as to read as follows: That said Company is also further authorized and empowered to extend said Rail-way from the town of Henderson in Rusk county, so as to connect with any Railway at or near Fulton on the Eastern boundary of the State of Texas, and the said Company shall have six months after the thirtieth day of January, 1856, to complete the first twenty-five miles of their road contemplated by their charter, in order to entitle them to the rights, benefits and privileges granted by an Act Approved January the thirtieth, eighteen hundred and fifty-four, entitled "An Act to encourage the construction of Rail Roads in Texas, by donations of land;" Provided, that said Company shall on or before the completion

of said twenty-five miles of their road, establish their principal office on the line of said Road, and there keep the same during the continuance of their charter, with all the books, papers and documents of said Company, and the same shall at all times be subject to the inspection and examination of any Stockholder of said Company, and upon the application of said company at any time for the benefit of the Act Approved "January the thirtieth, eighteen hundred and fifty-four," to encourage the construction of Rail Roads by donations of land, it shall be proved to the satisfaction of the Governor of the State, that said Company have established their principal office upon the line of their Road, and have kept all their books, papers and documents therein, according to the provisions of this Act; and a majority of the Directors of said Company shall reside in this State; and all elections for officers of the Company shall be held in the State.

Sec. 2. That said Rail-Road company in accepting the benefits of this act, shall have no branching privileges, except such as are expressly granted by the provisions of its charter, to certain points, and shall be required to spend only so much of its capital stock upon any branch as shall be expressly subscribed to such branch, and shall not expend upon its trunk any monies subscribed to any branch, and shall be required to complete its main trunk to the point contemplated in its charter before building any branch road.

Sec. 3. That nothing in this act shall be so construed as to effect (affect) the right of the State to repeal or modify the act of January 30th, 1854. Entitled "An Act to encourage the construction of Rail Roads in Texas by donations of land;" Provided, That the right to land acquired before said repeal or modification shall in all cases be protected.

Sec. 4. That the provisions of An Act entitled "An Act to regulate Rail Road companies," approved February 7th, 1853, shall apply to the Galveston, Houston and Henderson Rail Road Company, and this Act shall take effect from and after its passage.

Approved 23d January, 1856.

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## CHAPTER XXIII.

An Act to permit the city of Houston to levy a special tax for Rail Road Purposes.

Section 1. Be it enacted by the Legislature of the State of

Texas, That the Mayor and Aldermen of the city of Houston, shall have the power to levy and collect a tax for the purposes hereinafter specified upon all persons and property real, personal and mixed within the limits of said corporation; Provided, the same shall not for any one year exceed one per cent. ad valorem on property. They may also levy and collect a license tax on all Taverns, Groceries, Bar-rooms, Tippling-Houses, Nine and Ten-Pin Allies and Billiard Tables in the corporation, for the same purpose; Provided it shall not exceed the tax now levied by said corporation for general purposes. Said taxes shall be assessed and collected as other taxes are now assessed and collected for the city of Houston, and under such further regulations as may be prescribed by the Mayor and Aldermen, and if any person shall fail or refuse to pay the taxes assessed against him, or his property within the time prescribed by the city council, his property shall be subject to be sold in the same manner as for other taxes levied and collected by said city.

Sec. 2. That no such tax shall be laid unless a majority of all the votes cast at an election to be ordered for that purpose by the Mayor of said city at such time as may be fixed upon by the city council, after ten days notice, in the manner prescribed for the notice of general elections for said city, shall have approved of such tax. Said election shall be conducted by the same officers, and in the same manner as other city elections, and the ballots shall read, "For the Rail Road Tax," or "Against the Rail Road Tax;" and provided that if such tax be rejected by a majority of the voters, it shall be lawful at any subsequent time, upon the petition of fifty voters of the city, again to take the sense of the voters in the same manner as at the first election, and at intervals of not less than six months.

Sec. 3. After the vote in favor of laying the tax aforesaid, the city of Houston may issue its bonds in such manner and for such amounts, payable at such time, and with such interest as the Mayor and Aldermen may deem necessary; Provided, that the amount of said bonds shall not be for more than the special tax levied will pay the annual interest upon, which bonds may be used by said city in the construction of any Rail Road branch or tap road running from said city, or in taking stock or subscription in any such Rail Roads. And it shall not be necessary to renew the order for said tax from year to year, but the same may be regulated by the Council of said city from time to time so as to raise (a) sufficient amount to pay the interest annually on said bonds, and such installments of the

principal as may be deemed necessary to provide for; Provided, That said tax shall not at any time be more than one per cent.

Sec. 4. That this act take effect and be in force from and after its passage.

Passed 26th January, 1856.

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#### CHAPTER XXIV.

An Act amending and supplementary to an act amending and supplementary to an act to incorporate the Henderson and Burkeville Rail Road Company, approved, January twenty-seventh, A. D., eighteen hundred and fifty-four.

Section 1. Be it enacted by the Legislature of the State of Texas, That the corporate title of the Henderson and Burkeville Railroad Company is hereby changed to the "Mexican Gulf and Henderson Railroad Company of the State of Texas."

Sec. 2. That all the sections, grants, provisions and privileges of an act entitled an act to encourage the construction of Railroads in Texas by donations of land, approved January 30th, 1854, be and the same is hereby extended to the Mexican Gulf and Henderson Railroad Company for a further period of one year from the passage of this act.

Sec. 3. That the said Company shall have the right to construct, erect, maintain and own wharves or piers either in Galveston Bay or Sabine Lake, or both where its terminus extends for the purpose of accommodating Steam Ferry Boats and other vessels, and for the readily discharging from or receiving into its cars, the passengers and merchandize transported over the Railroad of said company.

Sec. 4. That for the purpose of meeting the additional heavy expenditures of constructing the said piers or wharves, as well as for the more rapidly extending and completing the said Railroad, the company shall have the right to issue their bonds bearing such rate of interest as shall be determined on by the board of Directors, not exceeding the legal interest of the State, which bonds may be for such sums as may be determined by a vote of the Board. The said bonds shall be entitled and bear upon their face, the name and style of the Transit Bonds of the Mexican Gulf and Henderson Railroad Company, and the said bonds shall be a lien upon the property of the Company, and be at all times receivable by the said Company and its agents as

cash at the par denomination of each bond as payment for the transit of passengers and merchandize as well as for all debts due or to become due to the said Company; this right shall in no way be construed to give to the said company any banking or discounting privileges whatsoever.

Sec. 5. The said Company is hereby authorized and empowered to extend their said road in a northerly direction from the town of Henderson to such point upon the Red River, within the limits of the State of Texas, as the Board of Directors may determine, and to keep their principal office in the town of Henderson, in Rusk county, Texas, during the continuance of their charter, with all the books, papers and documents of said company, which shall at all times be subject to the inspection and examination of any stockholder of said Company, and all elections for officers should be held in the State.

Sec. 6. That the Mexican Gulf and Henderson Railroad Company may commence the construction of their road at any practicable point, at or near the head of tide water on the Sabine, Neches or Trinity rivers, as they may select, and if said Company shall make such commencement, they shall be and are hereby required to complete their road from said point to the town of Henderson before they extend it to its terminus on Sabine Lake or Galveston Bay.

Sec. 7. That said Company by accepting the benefits of the provisions of this act shall be deemed to surrender all branching privileges contained in the original act of incorporation, or in any act amendatory thereof, and shall be confined to the construction of the main trunk of their road as defined in the amendatory act of 27th January, 1854, and in this act, and the extension thereof in this act.

Sec. And that this act take effect and be in force from and after its passage.

Vetoed, and passed by a constitutional majority, January 24th, 1856.

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## CHAPTE XXV.

An Act for the relief of the Heirs of Elizabeth Jones, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be and he is hereby authorized and required to issue to the heirs

of Elizabeth Jones, deceased, a certificate for one league and labor of land, which may be located, surveyed and patented as in other cases.

Sec. 2. That this act take effect from and after its passage.

Approved, January 25th, 1856.

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CHAPTER XXVI.

An Act to incorporate La Grange Lodge, No. 30, of the Independent Order of Odd Fellows.

Section 1. Be it enacted by the Legislature of the State of Texas, That the officers and members of La Grange Lodge, No. 30, of the Independent Order of Odd Fellows, situated at the town of La Grange, in the county of Fayette in this State, their successors in office, and such as may hereafter become members of said Lodge, be, and they are hereby declared and constituted a body corporate and politic, by the name and style and title aforesaid, and by that name, shall, and may at all times hereafter be capable to have, receive and retain to them, property real, personal or mixed, and the same at their pleasure to dispose of; Provided, the same shall not exceed in value twenty thousand dollars; and further provided, that if property exceeding in value said sum, shall accrue to said corporation, it shall have one year to dispose of the same.

Sec. 2. That said corporation by the name and style aforesaid, shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, in any court or before any judge, officer or person whatsoever, in all and singular actions, matters or demands whatsoever.

Sec. 3. That said corporation may have a common seal and the same alter and change at their pleasure, and shall in general have and exercise all rights, privileges and immunities, by law incident or necessary to corporations.

Sec. 4. That this act take effect and be in force from and after its passage.

Approved, January 25th, 1856.

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CHAPTER XXVII.

An Act to Change the Name of Susan P. Cannon to that of Susan P. Cook.

Section 1. Be it enacted by the Legislature of the State of Texas, That the name of Susan P. Cannon, of the county of



Cherokee, be, and the same is hereby changed to that of Susan P. Cook, and that this act take effect so soon as David Cook shall file in the office of (the) Clerk of the County Court, in which he resides, a statement in writing, adopting the said Susan P. Cannon as his legal heir, in accordance with an act passed, 16th of January, 1850, entitled, An Act to prescribe the mode of adoption.

Approved, January 26th, 1856.

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## CHAPTER XXVIII.

### An Act for the relief of Collin McKinney.

Section 1. Be it enacted by the Legislature of the State of Texas, That on the relinquishment to the State of Texas, by Collin McKinney, of all his right, title and interest in, and to two certain certificates of Public Debt, of the first class, issued to him on the 10th day of November, A. D., 1849, Nos. 1066 and 1067, for one thousand, one hundred and sixty-two dollars, it shall be the duty of the Auditor and Comptroller to issue a certificate of the second class, in lieu of the two first named certificates for a similar amount, and it shall be the duty of the Treasurer to pay said second class certificate, when so issued, out of any money in the Treasury for the payment of such claims.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved, January 26th, 1856.

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## CHAPTER XXIX.

### An Act for the relief of Thomas D. Cayce and Sarah White.

Whereas, a portion of the army encamped on the premises of Thomas D. Cayce, seized and converted to use a large number of cattle to the value of two thousand dollars, and a ferry boat worth one hundred and fifty dollars, total value \$2150 00.

And also during the same period while the army was encamped near Texana, a large number of cattle was appropriated to the use of the same belonging to Mrs. Sarah White to the value of one thousand dollars, Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be, and he is hereby authorized

and required to draw a draft upon the Treasurer in favor of Thomas D. Cayce, for two thousand and one hundred and fifty dollars, and one in favor of Sarah White for one thousand dollars, and that the Treasurer pay the same upon presentation, to the respective parties or to their assignee, on their filing releases in full respectively for all claims whatsoever against the late Republic of Texas.

Sec. 2. That three thousand, one hundred and fifty dollars be, and the same is hereby appropriated out of any money now in the Treasury, for the payment of the drafts mentioned in the first section of this act.

Sec. 3. That this act take effect from its passage.

Approved, January 26th, 1856.

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## CHAPTER XXX.

An Act for the relief of C. M. Goolsby.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be, and he is hereby authorized to issue to C. M. Goolsby a certificate for three hundred and twenty acres of land, to be located, surveyed and patented according to law, and that this act take effect and be in force from its passage.

Passed, January 27th, 1856.

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## XXXI.

An Act to incorporate the John M. Gibson Lodge, No. 13, of the Independent order of Odd Fellows, located in the town of Marshall, Harrison county, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following officers and members of the John M. Gibson Lodge, No. 13, of the Independent Order of Odd Fellows, viz: W. W. West, N. G., W. W. Johnston, V. G., O. Hendrick, S., J. L. Williams, P. S., N. W. Eames, T., F. A. Harris, P. G., and their successors in office, be and they are hereby declared to be a body corporate and politic by the name and style of the John M. Gibson Lodge No. 13, of the Independent Order of Odd Fellows, and by that name they and their successors shall and may at all times hereafter be capable in law to have, receive and retain any estate, real or personal, by gift, purchase, demise or bequest, and such estate at their pleasure to transfer and dispose of in any such manner as they may think proper; Provided, That said cor-

poration shall not at any time, hold or possess property exceeding in value the sum of thirty thousand dollars, nor more than five acres of land; Provided, however, if any real estate exceeding five acres shall at any time accrue to said corporation they shall be allowed one year to dispose of the same.

Sec. 2. That said corporation shall be capable in law to sue and be sued, in any court in the State, and may have a common seal, and use the same at their will and pleasure, which they may from time to time alter or renew; also, to enact such By-Laws for their own government as they from time to time may think fit, and shall in general, have and exercise all such rights and privileges, and immunities, as by law are incident to, and necessary to corporations of a similar character; and that this Act take effect from and after its passage.

Approved 28th January, 1856.

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## CHAPTER XXXII.

### An Act to Incorporate the Henderson Female College.

Section 1. Be it enacted by the Legislature of the State of Texas, That C. C. Shumate, A. B. Graham, M. D. Ector, M. D. Graham, W. W. Morris, and their associates and successors, are hereby created and declared a body corporate and politic, by the name, style and title of the Henderson Female College, and by that name and title they, their associates, and successors, shall be capable of suing and being sued, impleading and being impleaded in law and equity in all courts and places whatever, in like manner, and as fully as natural persons, and by said corporate name and style, shall be capable in law of contracting and being contracted with, shall have the power of acquiring by purchase, donation or otherwise, property both real, personal and mixed, holding and conveying the same as the said corporation may think proper.

Sec. 2. That the said body corporate and politic shall have perpetual succession; shall have the power of holding property both real, personal and mixed, in fee simple, so long as they confine their operations to the promotion of education; Provided, the same shall not exceed fifty thousand dollars, and that each stockholder may have the right to sell or transfer his or her stock at pleasure, and shall have the right to vote in person or by proxy, one for every share of twenty-five dollars of stock he or she may own in said corporation in all elections

necessary for the government of said College; that the stockholders voting in the manner prescribed, may have the power to disfranchise any of their members by a vote of two-thirds; Provided, they pay to such stock-holders disfranchised, the amount of their subscription, when their subscriptions have been paid, or so much thereof as they have paid.

Sec. 3. That the stockholders of said corporate and body politic shall after due notice being given, that not less than five nor more than seven trustees, who shall hold their offices for the term of one year, and until their successors are elected; they shall have the power to elect from their members a President, Secretary, and Treasurer, who shall hold their offices for such time as the Trustees are elected for, and that the Trustees shall have the power to make such By-Laws as they deem necessary for their own government, and the management of the Henderson Female College; Provided, they make no By-Laws which conflict with the Constitution and Laws of this State.

Sec. 4. That this act take effect and be in force from and after its passage.

Approved 28th January, 1856.

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### CHAPTER XXXIII.

#### An Act to incorporate Walker Lodge, Number Nineteen of the Independent Order of Odd Fellows.

Section 1. Be it enacted by the Legislature of the State of Texas, That the officers and members of Walker Lodge, number nineteen, of the "Independent Order of Odd Fellows," located and established at Huntsville, in Walker county, and their successors, shall be, and they are hereby declared to be a community, corporation and body politic, by the name and style of "Walker Lodge number nineteen, Independent Order of Odd Fellows," and by that name, they, and their successors, shall, and may, at all times hereafter be capable in law, to have, receive, and retain, any property or estate, real or personal, by gift, purchase, devise or bequest, not to exceed the value of thirty thousand dollars, and such estate or property, at their pleasure, to sell, or transfer, or dispose of, and generally to manage and control in such manner as they may think proper.

Sec. 2. The corporation by the name and style aforesaid, shall be capable in law, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended

against, in all and every Court in this State, and before all or any of the Judges, Justices of the Peace, officers or other competent persons whatsoever, in all actions at law, or suits in equity, in and about all things whatsoever.

Sec. 3. The said corporation may have a common seal for their use, and the same at their will to change, alter or make anew from time to time, as they may think best, and shall in general, have and exercise all such rights, privileges, and immunities as are by law and custom incident and necessary to corporations of a similar character, and that this act take effect and be in force from and after its passage.

Approved, 28th January, 1856.

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#### CHAPTER XXXIV.

##### An Act for the relief of George L. Bledsoe.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to George L. Bledsoe a certificate for two-thirds of a league and one labor of land as his augmentation headright to which he is entitled by virtue of having engaged in the service of Texas, previous to the first day of March, A. D., 1837, and for having introduced his family into Texas before the first day of January, 1840, and that the same may be located on any of the public lands, and surveyed and patented as other headright certificates are located and patented.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved 29th January, 1856.

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#### CHAPTER XXXV.

##### An Act to incorporate the City of Marshall.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of Marshall be, and they are hereby declared a body Corporate, by the name and style of the "City of Marshall," and by that name may sue and be sued, plead and be impleaded, and may hold and dispose of real and personal estate.

Sec. 2. That the limits of said Corporation shall be one and a half miles square, of which the Court House of the County of Harrison in the City of Marshall shall be the centre.

Sec. 3. That there shall be the following officers for said City, to-wit: One Mayor and five Aldermen, who shall compose the City Council; one Treasurer, one Recorder, who shall be the Clerk of the Council; one Constable, and as many subordinate officers not herein mentioned, for preserving the peace and well ordering of the affairs of the City as the City Council shall direct. The Treasurer and the City Constable, shall give good and sufficient security in such form, manner and amount as the City Council shall direct, subject to the approval of the Mayor.—After the first election the Mayor, Aldermen, Recorder and Constable shall be elected for one year, and all others elected or appointed under this charter shall hold their offices for one year, unless sooner removed, and shall before entering upon the discharge of the duties of their respective offices, respectively take the oath required by the Constitution of the State of Texas.

Sec. 4. That the City Council shall have full power to make and pass such by-laws and ordinances as they may deem necessary to maintain the cleanliness and salubrity of the said city, to insure the safety and convenience of passing in the streets, squares, ways and alleys, to fix the squaring, and prevent any encroachment or other undertaking on the same, to determine the completion and dimensions in the said streets and ways, at the cost of the proprietors of houses, lands or neighboring lots; to erect an hospital for the sick and to appoint a Physician for the same, to borrow money for the Corporation, to organize and regulate a fire department for the extinguishing and preventing conflagrations, to establish and determine fire limits in said City, to prevent the storage of gun powder in such quantities as to endanger the public safety; to establish an active system of inspection over the conduct of slaves, to prevent or forbid theatres, shows or other public amusements, to close play houses or places for shows or exhibitions, whenever the preservation of order, public safety or tranquility shall require it, to establish one or more market places, to determine the mode of inspection of all eatables in the market or other public places, to regulate everything relative to butchers, bakers, tavern-keepers, tippling-houses, hucksters, auctioneers, peddlars, horse-drivers, and slaves employed as day laborers; and to make every other regulation which may contribute to the better administration of the affairs of such Corporation, as well as for the maintenance of the public tranquility and safety of the said City, and to secure

obedience to the same, may impose fines not to exceed one hundred dollars for each offence, and the neglect or refusal to pay such fine, shall be considered contempt of the Court, and shall subject the party to imprisonment in the County Jail until the same is paid, or until the party makes affidavit that he is unable to pay the same.

Sec. 5. That whenever a vacancy shall occur in the office of Mayor, a majority of the Aldermen acting shall order an election to fill such vacancy, and the person so elected shall hold his office until the next regular election, or until his successor shall be duly qualified, and in case of the death, resignation or removal of any Alderman, Treasurer, Recorder or Constable, the Mayor shall order an election, to be governed by the regulations governing elections in this act.

Sec. 6. That no person shall be eligible to the office of Mayor, Alderman, Treasurer, Recorder or Constable, unless such person be a citizen of said City.

Sec. 7. That the Mayor shall be the presiding officer of the City Council, and in his absence, the Council shall be presided over by one of the members present who shall be chosen by the Council pro tempore, that three members shall constitute a quorum to transact business.

Sec. 8. That the City Council of the City of Marshall, shall have and exercise the power of laying and levying taxes upon all subjects of taxation within the Corporate limits upon which a tax may be levied by the State, as may be deemed necessary; Provided, that the tax on property shall not in any one year exceed one-half of one per cent. ad valorem on such property, Provided also, that such tax shall be apportioned in the same manner as the State tax; and the City Assessor and Collector of taxes shall have the same power to enforce the collection of such taxes as may be imposed in said City as the Assessor and Collector of each County have for the collection of State and County tax.

Sec. 9. That whenever it may be deemed necessary to open or alter, close or change any public road or street in said City, under the provisions of this act, it shall be the duty of the City Council to give thirty days notice by publication in one or more newspapers in the City of Marshall, requiring all persons having objections to the opening, altering, closing or changing of such road or street to make their objections in writing on or before the expiration of said thirty days notice, and if after such objections have been received and considered, it shall appear to the City Council that such opening, altering, closing or

changing of such street or road is necessary, they shall proceed to appoint reviewers, whose number, qualifications and duties shall be the same as are now laid down by the law regulating roads, and upon receiving their report, the City Council shall proceed to open, alter, close or change such public road or street according to the powers and restrictions conferred and imposed by this act.

Sec. 10. That the first election of City officers under this Chapter shall be held as soon as may be, after the passage of this act, by the Chief Justice of Harrison County issuing his writ to some citizen residing in the limits of this Corporation, directing him to hold an election at some public place in said Corporation and to act as presiding officer, to appoint judges and clerks to assist him in the election, who shall be sworn to faithfully conduct the election according to the provisions of this act, and said presiding officer shall post up notices in three public places within said City limits, at least seven days before the election, of the time and place of holding the same; the polls for this purpose shall be opened at nine o'clock, A. M., and closed at four o'clock, P. M., allowing adjournment of one hour from noon; and after counting the votes in the presence of the judges, shall seal up true lists of the same and deliver them to the Chief Justice aforesaid within three days after such election has been holden, and said Chief Justice shall thereupon give a certificate to the officers elected, who shall be empowered thereby to enter upon the duties of their respective offices, according to the provisions of this act; and that from and after the first election, all elections for Charter officers shall be holden on the second Monday in December annually, and it shall devolve upon the City Council to decide upon the time and place of keeping open the polls, always giving ten days notice by posting notices in four different places in the City; and all writs of election and certificates to officers elected shall proceed from the Mayor; upon the receipt of the lists from the presiding officer of the election, except in the absence of the Mayor or when he is himself elected, when it shall devolve upon the Council to issue said writs and certificates, and the officers first elected under this Charter, shall hold their offices until the first Monday in January, eighteen hundred and fifty-seven, or until their successors are qualified; and the City Council chosen under the first election shall lay off the City into four wards, and each ward shall be entitled to one Alderman, and to vote for an additional Alderman, who shall be called a "floater," and represent all the wards, and in all elections, the person receiving



the highest number of votes in each ward for Alderman shall be elected.

Sec. 11. That the City Council may determine the compensation to be allowed to the Charter officers in addition to that herein allowed to the Mayor and Constable as fees.

Sec. 12. That the Mayor shall have and exercise all the power and jurisdiction of a Justice of the Peace within and throughout the limits of said City, and shall be governed in the exercise of such powers and jurisdiction by all laws enacted, or to be enacted for the government of Justices of the Peace in similar cases, and said Mayor shall before entering upon the powers granted in this section, execute a bond with sufficient securities in the sum of five hundred dollars, payable to the Chief Justice of Harrison County, conditioned as in the cases of Justices of the Peace, and shall also take the oath prescribed by law before some officer authorized to administer oaths which shall be endorsed on his bond, together with the certificate of the officer who administered the same, which bond and oath shall be returned and recorded as in cases of Justices of the Peace.

Sec. 13. That the Treasurer shall keep safely all the money of the Corporation, and pay out the same upon the order of the City Council, and shall do such other duty as may be assigned him by the City Council.

Sec. 14. That the Constable shall attend upon the Mayor's Courts, execute and return according to law, all process, warrants and precepts directed to him by the Mayor, together with such other duties as may be imposed by the City Council, and shall be entitled to the same fees as are allowed by law in similar cases to Constables' of Justices' precincts throughout the State.

Sec. 15. That the City Council in the exercise of their control over the public squares, streets and ways of said City, may compel all free male citizens, ministers of the gospel excepted, over the age of eighteen years, and under that of forty-five, to work on the same, provided that such person shall not be required to work more than six days in any one year, and shall be exempt from any other road duty in said County, and the Council may impose such fines on defaulters as they may deem necessary, in which they shall be governed by the laws of this State regulating roads.

Sec. 16. That the books and records of the Corporation shall at all times be open for the examination of any citizen of said City.

Sec. 17. That all laws and parts of laws contravening the provisions of this act shall be repealed; and that this act take effect and be in force from and after its passage.

Passed January 30th, 1856.

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## CHAPTER XXXVI.

An Act for the relief of Richard A. Powdrill.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to Richard A. Powdrill a certificate for three hundred and twenty acres of land, to be located, surveyed and patented, according to law, and that this act take effect and be in force from and after its passage.

Passed January 31st, 1856.

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## CHAPTER XXXVII.

An Act to incorporate the Town of Texana.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the Town of Texana be and they are hereby declared a body corporate and politic under the name and style of the corporation of the Town of Texana, and by that name may sue and be sued, plead and be impleaded, and may hold and dispose of real and personal property within the limits of said corporation.

Sec. 2. That it shall be the duty of said citizens to elect a Mayor, four Aldermen, a Treasurer, a Secretary and a Constable. The Treasurer shall give bond in such sum as said board may think proper, payable to the Mayor and Aldermen of said corporation and their successors in office, conditioned for the faithful discharge of his duties as Treasurer, and shall make a report of the financial condition of said corporation, whenever required so to do by the Mayor and Aldermen, when setting as a board. The Constable shall also give bond as required of said Treasurer, and shall perform all the duties required of him by the By-Laws of said corporation.

Sec. 3. That the Mayor shall be President of the Board of Aldermen, that three of the members of said board shall constitute a quorum to transact business, and that said board shall enact such by-laws for the government of said town, not inconsistent with the Constitution and Laws of the State, as they may

deem necessary. They shall also have power to levy taxes for the removal of nuisances, and for keeping the streets of said town in good repair, and to prescribe the penalties for all offences against the By-Laws of said corporation; Provided, that no tax shall be levied, unless by the consent of two-thirds of the Aldermen present, and be assessed according to the valuation of property.

Sec. 4. That no person shall be eligible to hold any office in said corporation or to vote for the officers thereof, unless he be a qualified elector as required by the law regulating elections, or shall be a free or householder in said town, and shall actually reside within the limits of said corporation.

Sec. 5. That the first election for officers of said corporation shall be held by the Chief Justice of the county of Jackson, after having given ten days notice thereof at the Court House door of said town, and all subsequent elections shall be held annually thereafter by the Mayor, giving at least ten days notice as aforesaid.

Sec. 6. That whenever a vacancy shall occur in the office of Mayor, a majority of the Aldermen acting shall order and conduct an election to fill such vacancy, and the person so elected shall hold his office until the next regular election, or until his successor be duly qualified, and in case of the death, resignation or removal of any Alderman, Treasurer, Secretary, or Constable, the Mayor shall order an election to fill such vacancy, and the person so elected shall hold his office until his successor shall be qualified.

Sec. 7. That all offences against the By-Laws shall be presented before the Mayor, who shall be governed by the law organizing justice's Courts, and the Constable shall execute and return all writs issued by the Mayor, in the same manner as is provided by the law defining the duties of Constables, and shall be entitled to such compensation as is allowed to Justices of the Peace and Constables, and such further compensation as may be allowed by the Board of Aldermen for extra services.

Sec. 8. That said corporation shall cause a copy of all its by-laws to be kept in a book for that purpose; which By-laws shall be written in a plain and legible style, and shall be subject to the inspection of the citizens of said town whenever required.

Sec. 9. That the limits of said corporation shall be one mile square, commencing on the Navidad river, running back to the public square of said town, to be the centre of a line drawn parallel with the back line; and that this act be in force from and after its passage.

Passed January 31st, 1856.

CHAPTER XXXVIII.

An Act for the Relief of Henry Patrick.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby authorized and required to issue on the unconditional headright certificate of Henry Patrick, a patent for six hundred and forty acres of land.

Sec. 2. Be it further enacted, That this Act take effect from its passage.

Approved 1st February 1856.

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CHAPTER XXXIX.

An Act for the relief of George W. Shelton.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to George W. Shelton a certificate for one third of a league of land to be located, surveyed and patented according to law, and that this Act take effect from its passage.

Approved 1st February 1856.

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CHAPTER XL.

An Act supplementary to, "an Act to establish and incorporate the College of De Kalb," approved 26th January 1839.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General land Office be and he is hereby authorized and required to issue patents on all surveys of land made and returned for said College, of whatsoever shape and size; Provided the aggregate of the same does not exceed four leagues.

Sec. 2. That the commissioner of the General Land Office, issue to the Trustees of said College and their successors, certificates for the unlocated balance of four leagues of land; and that the said Trustees and their successors have power to locate the same upon any vacant and unappropriated public land of the

State; Provided that this Act shall not effect, (affect) the interest of third parties.

Sec. 3. That this Act take effect and be in force from and after its passage.

Approved 1st February 1856.

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#### CHAPTER XLI.

An Act for the relief George W. Robinson.

Section 1. Be it enacted by the Legislature of the State of Texas, That in consideration of a permanent wound received by George W. Robinson, now in the county of Madison, at the battle of San Jacinto, the Commissioner of the General Land Office be, and he is, hereby required to issue to said George W. Robinson, a certificate for one league of land, to be surveyed, located and patented according to law, and that this Act take effect and be in force from and after its passage.

Approved 1st February 1856.

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#### CHAPTER XLII.

An Act requiring the Commissioner of the General Land Office to perform certain duties therein named.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Commissioner of the General Land Office is hereby authorized and required to issue a patent to Montgomery Birch or his assignees, upon a survey of land made by virtue of unconditional certificate No. 18, class 2d, issued by the board of Land Commissioners of Robertson county, on the 6th day of July 1841, for six hundred and forty (640) acres of land, the same as if the certificate had been correctly reported by the Clerk of Robertson county, and that this Act take effect and be in force from its passage.

Approved 1st February 1856.

CHAPTER XLIII.

An Act for the relief of George H. Bourroughs.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be and is hereby authorized and required to issue his draft on the Treasurer in favor of George H. Bourroughs, for eighteen hundred and sixteen dollars, and the Treasurer shall pay the same out of any money in the Treasury not otherwise appropriated.

Sec. 2. The Commissioner of the General Land Office be and he is hereby authorized and required, to issue to George H. Bourroughs, a land certificate for eight hundred and fifty-two acres, which may be located upon any vacant and unappropriated land belonging to the State.

Sec. 3. That this Act take effect from its passage.

Approved 2d February 1856.

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CHAPTER XLIV.

An Act to incorporate the Washington County Rail Road Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That James W. McDade, John Stamps, R. R. Peebles, Terrel J. Jackson, Joseph C. Wallis, A. M. Lewis, Hosea Garrett, A. M. M. Upshaw and James H. Stevens, Wm. J. Hutchings, William M. Rice, Cornelius Ennis and T. J. Allcum, be, and they are hereby appointed Commissioners to open books and receive subscription to the capital stock of a corporation to be styled the "Washington county Rail Road company," but they shall receive no subscription to said capital stock unless five per cent thereof in cash shall be paid to them at the time of subscribing; and should they receive subscriptions to said stock without such payment, they shall be personally liable to pay the same, to said corporation when organized. A majority of said commissioners shall constitute a quorum to do business, and they may hold there meetings at such times and places as a majority shall designate; Provided, that public notice of all such meetings shall be given by publication in some newspaper printed in Washington county at least twenty days before any such meeting.

Sec. 2. That the subscribers to said capital stock, whenever they shall have elected directors in the manner hereinafter provided, shall be and they are hereby created and established a body corporate and politic, under the name and style of the Washington county Rail Road company, with capacity in said corporate name to make contracts, to have succession and a common seal, to make by-laws for the government and regulation of the said company, to sue and be sued, to plead and be impleaded, to grant and receive; and generally to do and perform all such acts as may be necessary and proper for, or incident to the fulfilment of its obligations; for the maintenance (maintenance) of its rights under this Act and in accordance with the constitution and laws of the State.

Sec. 3. That the capital stock of said corporation shall be one million of dollars, and it shall have power to increase the same to two millions of dollars. The said corporation shall be and is hereby invested with the right of locating, constructing, owning and maintaining a Railway, commencing at such point on the trunk of the Galveston and Red River Rail Road, as said corporation shall deem most suitable, crossing the Brazos River within the limits of Washington county, and then running by the most suitable and direct line to Brenham in said county.

Sec. 4. That the capital stock of said company shall be divided into shares of one hundred dollars each, each share entitling the owner thereof to one vote, in person or by proxy, at all meetings of the company, and the shares shall be deemed personal estate, and shall be transferrable by any conveyance in writing, recorded either by the Treasurer, in books kept by him for that purpose at his office, or by any other officer duly authorized by the directors, in books kept by him at such other place as the directors may appoint; such transfers as are recorded in any other place, being within ninety days communicated to the Treasurer, and by him entered on his books.

Sec. 5. That the immediate control and direction of the affairs of said corporation, shall be vested in a board of not less than five directors; said directors shall elect one of their own number to be President of the company—whenever two hundred thousand dollars of the capital stock of said corporation shall have been subscribed, and five per cent thereof shall have been paid to the Commissioners hereinbefore named, they shall cause an election to be held by said subscribers, at the town of Chappel Hill in Washington county for not less than five directors, having first given public notice of the time of said election, in some newspaper published in said county; after which the

said commissioners shall account for and pay over to said directors, all such sums as they shall have received of the capital stock of said company, first deducting a reasonable compensation for their services as Commissioners. No person shall be eligible to the office of director, unless he be a subscriber or owner of at least three shares of the Capital stock; the directors shall have power to fill any vacancy in their body arising from non-election or other cause; they shall power to appoint a Clerk, Treasurer or any other officers or agents, as they may deem necessary, and prescribe and require bonds for the faithful performance of their duties; they may make all necessary rules and regulations for holding of meetings, and all other things they may deem proper for the carrying out the provisions of this charter and business of the company; they shall keep, or cause to be kept, correct records of all meetings of the directors and company, and accurate books and accounts of the receipts and expenditures of the company, and all other books and accounts necessary and proper to be kept by such company; which books shall be open to the inspection of the stockholders; a majority of the board of directors shall have the power of a full board, and all conveyances and contracts executed in writing, signed by the President and countersigned by the Treasurer, or any other officer duly authorized by the directors, under the seal of the company, and in pursuance of a vote of the directors shall be valid and binding.

Sec. 6. That the directors shall have power to receive further subscriptions to the capital stock of said corporation from time to time, until the full amount thereof shall have been subscribed; but five per cent of all such subscriptions shall be paid in cash at the time of subscribing, and the directors shall be personally liable to said company for five per cent of all subscriptions they may receive to said capital stock without such payment; Provided however, that said company may, by the vote of a majority of the stockholders, cause certificates of stock to be issued in payment of any debt contracted for the construction or equipment of their road, and any agreement in writing whereby any person shall become a subscriber to the capital stock of said company, shall be enforced against him according to its terms. If any subscriber shall fail to pay any amount due upon shares subscribed for by him, according to the terms of his subscription, the directors may after twenty days public notice, sell at public auction the shares subscribed for by said delinquent, and transfer to the purchaser of such shares; if the proceeds of sales shall not be sufficient to pay the amount due



with interest and charges, such delinquent shall be held liable to the company for the deficit, and if the proceeds shall exceed the amount so due with interest and charges, he shall be entitled to the surplus.

Sec. 7. That it shall be lawful for the company to purchase and hold any land that may be necessary for the purpose of locating, constructing and maintaining said Railway, with all necessary depots and other buildings, and by their engineers or agents, enter upon and take possession of all such lands as may be necessary for the locating, constructing and maintaining said Railway, and if they shall not be able to obtain such lands by agreement with the owner, they shall pay for the same such amount as shall be determined in the manner provided for in the following section; the land so taken for the Railroad shall not exceed fifty yards in width and for depots and buildings only such further width as may be necessary.

Sec. 8. That any person from whom lands have been taken for the purposes set forth in the preceding section, may apply to the District Court of the county wherein said lands are situated for the appointment of appraisers, and said court after proof that the President or other officers of the company has been served with a notice, describing the land, ten days before the holding of the court, the court shall thereupon appoint three disinterested free-holders, citizens of the county, who shall appoint a time and place to hear the application, and the company, to whose agent or President a reasonable notice shall be given by the court of said time and place, and said free-holders being sworn, shall, after hearing the parties, determine the amount of compensation as aforesaid, and make return of their award to said court at its next term, and said award may be confirmed or for any sufficient reason rejected by said court in the same manner as awards by arbitrators under a rule of court, and if confirmed by the court, judgment shall be rendered thereon as in other cases. In determining the amount of compensation to be paid as aforesaid, free holders shall be governed by the actual value of the land at the time it was taken, taking into consideration the benefit or injury done to other neighboring lands of the owner, by the establishment of said railway; if in any case the amount found by the arbitrators shall not exceed the sum proved to have been offered by the company to the owner prior to his application to the court, the owner shall pay the cost of proceedings; otherwise the company shall pay the same.

Sec. 9. That the said company shall have power to borrow

money on their bonds, or notes, at such rates as the directors deem expedient; Provided however, that nothing in this Act shall be construed to confer banking privileges of any kind.

Sec. 10. That upon the written request of one-fourth of the stockholders, the President of the company shall call a special meeting of the directors, and upon the written demand of three-fourths of the stockholders, the President shall remove any one, or the whole of the directors, and order a new election within thirty days, which directors so elected shall hold their offices until the time prescribed for the next regular election.

Sec. 11. That if said Railway is not commenced within twelve months from the first day of July 1857, and at least ten miles are not in running order within three years after its commencement, then this charter shall be null and void.

Sec. 12. That the company is hereby required at all reasonable times and for a reasonable compensation, to draw over their road the passengers, merchandize and cars of any other Railroad corporation, which has been or may hereafter be authorized by the Legislature to enter with their Railroad and connect with the Rail road of this company; and if the respective companies shall be unable to agree upon the compensation aforesaid, it shall be the duty of the President of each company to select, each, one man as a Commissioner, and the two Commissioners so selected, shall choose a third, in case of disagreement, neither of whom shall be a stockholder in either road, or interested therein, and they shall fix the rates, which shall not be changed for one year from the time of going into effect; the said Commissioners shall also fix the stated periods at which said cars are to be drawn as aforesaid, having reference to the convenience and interests of said coporations and the public who shall be accommodated thereby; the right or power is especially conferred on this company to connect and contract with any Rail Road company heretofore or hereafter chartered by this State, for the performance of like transport, and in case of disageement between companies, the same shall be referred and settled as aforesaid, to be binding for one year as aforesaid.

Sec. 13. That this Act of incorporation shall expire in ninety years unless it shall be renewed or extended.

Sec. 14. That this company shall be subject to the provisions and be entitled to the benefits of any general laws which have been, or may be enacted by the State, regulating or encouraging the construction of Railroads, and that this Act take effect from its passage.

Approved 2d February 1856.

## CHAPTER XLV.

An Act to change the name of Julius Valentine Cook, to that of Richard Valentine Cook.

Section 1. Be it enacted by the Legislature of the State of Texas: That the name of Julius Valentine Cook, of the county of Fayette, be, and the same is hereby changed to that of Richard Valentine Cook; Provided, always, that the change of name shall in no wise impair the obligation of any bargain, contract or agreement which may be binding upon the said Julius Valentine Cook, but that all such bargains, contracts and agreements shall have the same force and effect as if no such change had taken place.

Sec. 2. That this act shall take effect from and after its passage.

Approved 2nd February, 1856.

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CHAPTER XLVI.

An Act for the relief of Fred. W. Moore, assignee of A. H. Cook.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Treasurer of this State is hereby authorized and required to pay to Fred. W. Moore, assignee of A. H. Cook, the sum of two hundred and eleven dollars, for repairs on the General Land Office, and the sum aforesaid is hereby appropriated for that purpose.

Sec. 2. That this act take effect from and after its passage.

Approved 2nd February, 1856.

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CHAPTER XLVII.

An Act for the relief of the Buffalo Bayou, Brazos and Colorado Rail Road Company or their Assignees in certain cases.

Section 1. Be it resolved by the Legislature of the State of Texas: That the time for the location of certificates issued to the Buffalo Bayou, Brazos and Colorado Rail Road Company, be and the same is hereby extended until the first day of January, A. D. 1857.

Sec. 2. That all locations of said certificates which have been located, either by the Company or their assignees, since the expiration of the time allowed by law for the location of the same, shall be, and the same is hereby declared as valid as if

located within said time; Provided, that this act shall not be construed so as to legalize any location which is in conflict with a previous acquired right.

Approved 2d February, 1856.

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## CHAPTER XLVIII.

### An Act to incorporate Soule University.

Section 1. Be it enacted by the Legislature of the State of Texas: That Thomas B. White, J. D. Giddings, J. H. Davidson, J. W. Hipple, Richmond Crawford, James McLeod, Robert Alexander, H. Yoakum, Gabriel Felder, C. P. Barten, W. S. Day, H. S. Thrall, L. D. Bragg, William Chappell, J. C. Wilson, and William G. Webb, Trustees of Soule University, located at Chappell Hill, in Washington county and State of Texas, be and they are hereby created a body corporate, under the name and style of the Board of Trustees of Soule University, and by that name shall have succession for the term of ninety years, and be capable in law to sue, and be sued, plead and be impleaded, to enact By-Laws, Rules and Regulations, to have, hold and enjoy all property of whatsoever kind that may be granted them by donation, bequest or otherwise, for the benefit of said institution, to convert said property into money and disburse the same, to promote the prosperity and interest of said University, to elect a President of their own body to preside over the same, to elect Professors and Teachers therefor, and generally to do and perform all acts needful and proper for the promotion of permanency, prosperity and object of said institution; and it shall have a common seal for the transaction of its business.

Sec. 2. That the Soule University, shall be under the control and supervision of the Texas Conference of the Methodist Episcopal Church South, and the Board of Trustees shall be re-elected from time to time, under the direction of said Texas Conference, and when elected, shall have the power to fill all vacancies that may occur therein, subject to ratification by the succeeding Conference; and a less number than six shall not be a quorum to do business, nor shall the whole number of Trustees consist at any one time of more than twenty-five, a majority of whom must be present in person or by proxy to fill a vacancy.

Sec. 3. That the Board of Trustees shall annually present to the Conference, a written statement, showing the exact con-

dition of the University as to donation funds, expenditures, by-laws and regulations adopted by the Trustees, the number of Professors and Teachers, and average number of pupils in attendance during the year, and the said Conference may revise the same, and make such alterations as to any items in the statement as may seem proper and expedient, and also transmit to the Board of Trustees such instructions for their observance as the prosperity of the University may demand.

Sec. 4. That the Board of Trustees shall have the power to confer degrees in the arts and sciences on the graduates of the University, and on such other persons as they may deem worthy, and to give diplomas thereof signed by the President and Professors, and under the seal of the University.

Sec. 5. That said University shall not hold over Five hundred thousand dollars worth of property, and the funds belonging, or in anywise appertaining to said University, shall not be diverted from the object for which the same was donated; and all donations and bequests to said University shall be good and binding, although the corporate name thereof may not have been properly stated by the person making such bequest or donation.

Sec. 6. That this act take effect from and after its passage.

Approved 2d February, 1856.

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#### CHAATER XLIX.

##### An Act for the relief of James Tarlton.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to James Tarlton, three certificates for land, one for twelve hundred and eighty acres, as bounty for his services as an officer in the Texas Revolution.

One certificate for fourteen hundred and seventy six acres, as a headright, and one for six hundred and forty acres for participating in the Battle of San Jacinto.

Sec. 2. That the certificates named in the first section when issued, may be surveyed and patented under the same rules and regulations as headright certificates.

Sec. 3. That this act take effect from and after its passage.

Approved 2d February, 1856.

CHAPTER L.

An Act to change the name of Margaret Catherine Burks to Margaret Catherine Moore, and the name of Emily Jane Burks to Emily Jane Clark.

Section 1. Be it enacted by the Legislature of the State of Texas: That the name of Margaret Catherine Burks is hereby changed to Margaret Catherine Moore, and the name of Emily Jane Burks to Emily Jane Clark; Provided, that this act shall not take effect until F. B. Moore and his wife shall adopt said Margaret Catherine Burks in accordance with the provisions of "An Act to prescribe the mode of adoption"—Approved January 16th, 1850, and William Clark and his wife shall adopt said Emily Jane Burks in like manner, and that this act take effect from and after its passage.

Approved 2d February, 1856.

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CHAPTER LI.

An Act to incorporate Larissa College.

Section 1. Be it enacted by the Legislature of the State of Texas: That James B. Harris, Nathaniel Killough, Thomas McKee, N. Priest, Bush Wafford, W. A. Dunning, R. K. Gaston, Wm. B. Campbell, Wm. Kerr, A. J. Copeland, Sam'l K. McGown, T. N. McKee, Thomas Smith, James Hill, and B. B. Cannon, and their successors in office be, and they are hereby constituted a board of trustees, for the Larissa College of the Cumberland Presbyterian Church, under the care of the Brazos Synod of said Church, located near the town of Larissa, in Cherokee county, to be incorporated by the name of Larissa College, by which name it may sue and be sued, plead and be impleaded, and buy and sell property, real, personal and mixed, and hold the same; the said College shall have a common seal for the transaction of its business, which seal it shall have power to make break and alter at pleasure.

Sec. 2. That five Trustees shall constitute a quorum to transact business for the corporation, except in purchase or transfer of real estate, when a majority shall be necessary. They shall have power to make such By-Laws as they may think necessary for the College and its finances; Provided, such By-Laws are not inconsistent with the Constitution and laws of this State, or of the United States. They shall have power also to elect their own officers, to appoint their own committees, and to examine into any branch or department of said college.

Sec. 3. That the faculty shall have power to confer the usual degrees upon men distinguished in science and literature, and shall also have power to confer the usual degrees upon deserving students, and to grant diplomas for the same.

Sec. 4. That said Trustees shall have the power of fixing the salaries of all the officers connected with the College, and also of filling all vacancies that may occur in their own body, and the faculty till regularly filled as herein provided for by the Brazos Synod; but in case the synod should be divided into two or more synods, this power shall be vested in the one in whose hands (bounds) the College shall be located, and in case of the formation of one or more new synods, the power aforesaid shall be transferred to that one whose bounds shall embrace it; Provided, that such synod shall be in regular connexion with the General Assembly of the Cumberland Presbyterian Church.

Sec. 5. That a site not exceeding ten acres of land, and the College buildings and library, are hereby exempt from taxation while the property of the College.

Sec. 6. That no religious test shall be required of any President, Professor or Trustee in said College, nor shall any student or officer be censured, suspended or expelled on account thereof; Provided, however, that nothing herein contained shall prevent the Trustees of said College from throwing around the instructors and students a proper moral restraint, and inflicting suitable punishment upon immoral conduct.

Sec. 7. That the President of the College shall be ex-officio President of the Board of Trustees, and shall be allowed such salary as a majority of the Board of Trustees, exclusive of himself, may direct, and no other member of the Board of Trustees shall hold any office in said College.

Sec. 8. That if the said board of Trustees should hereafter think proper to establish a Theological Professorship in said College, nothing herein contained shall be so construed as to prevent them; Provided, however, that no student, entering the regular department, shall be compelled to attend the Theological Lectures.

Sec. 9. That the said College shall not hold property beyond the amount of two hundred thousand dollars, the College buildings excepted, and the funds or property belonging or in any wise pertaining to the Institution, shall not be diverted from the primary object for which they were donated.

Sec. 10. That the said Board of Trustees of Larissa College, and their successors in office, shall, at least, one-half of them, be members of the Cumberland Presbyterian Church, and shall

hold and exercise the duties of their office for the term of six years; Provided, however, that the Brazos Synod may at their first regular session, or at a special session called for that purpose, so class the present Board of Trustees that the term of one-third of their members shall expire at the termination of two years; and the remaining third at the expiration of six years.

Sec. 11. That all the aforesaid acts of said Board of Trustees in the establishment of College buildings and furniture, apparatus and library, and any and all business in anywise appertaining thereto, be and the same is hereby legalized by this Act.

Sec. 12. That the ten acres of land specified in this charter shall not extend over nor interfere with the corporate limits of the town of Larissa.

Sec. 13. That all vacancies occurring in the board of Trustees, or Faculty, by resignation or otherwise, and the election of the Faculty or any member thereof shall be done by the said Board, subject to the approval of said Brazos Synod, and this act shall take effect and be in force from and after its passage.

Approved 2d February, 1856.

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## CHAPTER LII.

### An Act for the relief of Basil Durbin.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby instructed to issue to Basil Durbin, of Jackson county, a certificate for one league of Land in consideration of his past services to Texas and his permanent disability from wounds received in the same. Said certificate shall be in all respects held and regarded as other genuine land certificates.

Sec. 2. This act shall take effect and be in full force from and after its passage.

Approved, February 2nd, 1856.

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## CHAPTER LIII.

### An Act donating to Mrs. Elizabeth Crockett one League of Land.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Mrs.



Elizabeth Crockett, a certificate for one league of land which may be located, surveyed and patented, upon any vacant and unappropriated public land of the State: Said certificate to be issued, and the land when surveyed, patented without fees: And whereas said Elizabeth Crockett is now residing on the Pacific Railroad reserve and wishes to remain thereon: Therefore, she is hereby authorized to locate and survey three hundred and twenty acres of land within said reserve, which shall be patented as if no such reserve existed.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved, Feb. 2nd, 1856.

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#### CHAPTER LIV.

An Act to authorize John H. White, a Minor, to take charge of his Estate and transact business as though he were twenty-one years of age.

Section 1. Be it enacted by the Legislature of the State of Texas, That John H. White, of Gonzales county, a minor, be, and he is hereby released from all the legal disabilities of minority, that he is hereby authorized to take charge of and manage his estate, real and personal, and transact business and be responsible and liable for his actions as though he were twenty-one years of age.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved, February 2nd, 1856.

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#### CHAPTER LV.

An Act to incorporate the town of Rusk, in Cherokee County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Rusk be, and they are hereby declared a body corporate, by the name and style of the corporation of the town of Rusk, and by that name may sue and be sued, plead and be impleaded, and may hold and dispose of real and personal estate.

Sec. 2. That the limits of said corporation shall be bounded with the metes and bounds of said town plot, as now delineated upon the map and upon record in the clerk's office, of the County Court of Cherokee County.

Sec. 3. That an election for mayor and six aldermen, a treasurer, recorder, and constable, shall be held as soon as practicable after the passage of this act, by the Chief Justice, or one of the commissioners of Cherokee County, according to the laws governing elections generally, and annually thereafter, for a similar purpose; an election shall be conducted by the mayor, or a majority of the aldermen acting at the time of such election, and the persons elected shall continue in office one year, or until their successors are duly qualified; and the annual election for mayor, aldermen, treasurer, recorder, and constable, shall be held at such place or places in the town of Rusk, as may be designated by the board for the convenience of the people.

Sec. 4. That whenever a vacancy shall occur in the office of mayor, a majority of the aldermen acting, shall order and conduct an election to fill such vacancy, and the person elected shall hold his office until the next regular election, or until his successor be duly qualified; and in case of the death, resignation, or removal of any of the aldermen, treasurer, recorder and constable, the mayor shall order an election under such rules and regulations, as may be prescribed by the board to fill such vacancies.

Sec. 5. That no person shall be eligible to the office of mayor, aldermen, treasurer, recorder, or constable, unless such person be a citizen of said town.

Sec. 6. That the mayor shall be president of the board of aldermen; that four of the members of said board shall constitute a quorum, to transact business, and that said board shall enact such by-laws for the government of said town, not inconsistent with the constitution and laws of the State, as may be deemed proper, and may impose fines for the disobedience of the same, not exceeding twenty dollars for each offence.

Sec. 7. That the board of aldermen shall have and exercise control over the public square and streets of said town, and may compel all free male citizens, over the age of seventeen years, and under that of forty-five, and all male slaves over the age of fifteen years, to work on the same; Provided, That such persons shall not be required to work more than five days in any one year, and shall be exempted from all other road duty in said county; and the board may impose such fines on defaulters, as they may deem necessary, in which they shall be governed by the laws of this State, regulating roads.

Sec. 8. That the board of aldermen shall have power to levy a tax on all persons and property, both real and personal in

said town, subject to taxation by the laws of this State; Provided, two-thirds of the members present shall vote to levy said tax, and which shall not exceed one-fourth of the county tax, to be assessed and collected as other taxes, by the town constable.

Sec. 9. That the board of aldermen shall have power to appoint such additional officers, with the regulation of their duties, and compensation, as may be necessary, and may require bond and security to the mayor in such sum as may be deemed necessary, to compel the efficient discharge of such duties as may be assigned them.

Sec. 10. That all offences against the by-laws be presented before the mayor, and governed by the law regulating the procedure in Justices' Courts; and the constable shall execute and return all writs issued by the mayor in the same manner as is provided by the law defining the duties of constable.

Sec. 11. That the constable shall give bond and security as required by other constables, and shall have the same powers, and shall have the same fees as other constables, for similar services.

Sec. 12. That the mayor of said town shall be entitled to such fees as are allowed to Justices of the Peace, for similar services.

Sec. 13. That the aldermen each be entitled to twelve dollars annually, for their services as such, and the recorder shall be allowed as much as may be agreed upon by a majority of the board of aldermen; Provided, it shall not exceed twenty-five dollars per annum.

Sec. 14. That the treasurer shall keep safely all the money of said corporation; shall pay out the same upon the order of the board, and shall do such other duty as may be assigned him by the by-laws, and he shall give bond with security payable to the mayor, in such sum as may be deemed proper, conditioned for the faithful performance of his duties, to be approved by the board, and shall be allowed such compensation as may be specified by the board, not to exceed two and one-half per cent. for receiving, and two and a half per cent. for disbursing the funds.

Sec. 15. That the mayor be, and he is hereby vested with all the power and jurisdiction of a justice of the peace, within the limits of said corporation, both civil and criminal.

Sec. 16. That the books and records of the corporation shall be at all times open for the examination of any of the citizens of said town.

Sec. 17. That the board of aldermen shall have power to enact all such laws and ordinances that may be for the good of society, and for the quiet, peace, and happiness of the citizens of

said corporation, not inconsistent with the constitution and laws of the State of Texas.

Sec. 18. That all citizens who are entitled to vote for county officers, shall be eligible to vote for officers created by this act; Provided, they live within said corporation.

Sec. 19. That this act take effect and be in force, from and after its passage, and that all laws in conflict with this act be, and the same are hereby repealed.

Approved 2d February, 1856.

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## CHAPTER LVI.

### An Act to incorporate the Town of Dallas.

Section 1. Be it enacted by the Legislature of the State Texas, That the citizens of the town of Dallas be, and they are hereby declared a body corporate, by the name and style of the corporation of the town of Dallas, and by that name may sue and be sued, plead and be impleaded, and may hold and dispose of property both real and personal.

Sec. 2. That the limits of said corporation shall be as follows: Beginning at the water's edge at the east bank of the Trinity River, opposite the centre of the public square; thence south parallel with the streets of said town, according to the town plot, one quarter of a mile; thence east parallel with the streets, one half a mile; and thence north parallel with streets, one half a mile; thence west parallel with the streets one half a mile, or to the Trinity river; thence south along with the meanderings of said Trinity river, one quarter of a mile to the place of beginning.

Sec. 3. That an election for Mayor and six Alderman, a Treasurer, Recorder and Constable shall be held as soon as practicable after the passage of this act, by the Chief Justice of Dallas county, or two of the County Commissioners for said county, according to the laws governing elections generally, and annually thereafter for a similar purpose. An election shall be conducted by the Mayor or a majority of the Alderman acting at the time of such election, and the persons elected shall continue in office one year or until their successors are duly qualified; and the annual election for Mayor, Aldermen, Treasurer, Recorder and Constable, shall be held at such place in the town of Dallas as may be designated by the board for the convenience of the people.

Sec. 4. That whenever a vacancy shall occur in the office of

Mayor, a majority of the Aldermen acting, shall order and conduct an election to fill such vacancy, and the person elected shall hold his office until the next regular election, or until his successor is duly qualified, and in case of the death, resignation or removal of any of the Aldermen, Treasurer, Recorder, or Constable, the Mayor shall order an election, under such rules and regulations as may be prescribed by the board, to fill such vacancy.

Sec. 5. That no person shall be eligible to the office of Mayor, Alderman, Treasurer, Recorder or Constable, unless such person be a citizen of said town.

Sec. 6. That the Mayor shall be President of the board of Aldermen, and four of the members of said board shall constitute a quorum to transact business, and that said board shall enact such by-laws for the government of said town, not inconsistent with the Constitution and laws of the State, as may be deemed proper, and may impose fines for the disobedience of the same, not exceeding twenty dollars for each offence.

Sec. 7. That the board of Aldermen shall have and exercise control over the public square and streets of said town, and may compel all free male citizens over the age of eighteen years and under that of forty-five, and all male slaves between the ages of sixteen and sixty years, to work on the streets of said town at least five days in each and every year and no more; Provided, That nothing in this act shall be so construed as to release any person liable to work on roads from working five days on public roads outside of said corporation; for a failure or refusal to work as aforesaid, when warned so to do, at least two days previous to the day of working, they shall be liable to the same penalties now prescribed by law for a failure to work on roads.

Sec. 8. That the board of Aldermen shall have power to lay a tax on all persons and property, both real and personal, in town, subject to taxation by the laws of the State; Provided the tax on property in any one year, shall not exceed one-fourth of one per cent. ad valorem on such property, which tax shall be assessed and collected by the constable of said town in the same manner as the State tax is collected.

Sec. 9. That the board of Aldermen shall have power to appoint such additional officers, with the regulations of their duty and compensation as may be necessary, and may require of them bond and security to the Mayor in such sum as may be deemed necessary to compel the efficient discharge of such duties as may be assigned them.

Sec. 10. That all offences against the by-laws be presented before the Mayor, and shall be governed by the laws regulating Justices' Courts, and the Constable shall execute and return all writs issued by the Mayor in the same manner as is provided by the law defining the duties of Constables.

Sec. 11. That the Constable shall give bond and security as required of other constables, and shall have the same power, and shall be entitled to the same fees for similar service, and shall pay over all moneys by him collected to the Treasurer, taking his receipt for the same.

Sec. 12. That the Mayor of said town shall be entitled to such fees as are allowed to Justices of the Peace for similar services.

Sec. 13. That the Aldermen each be entitled to twelve dollars annually for their services as such, and the Recorder shall be allowed such sum as may be agreed upon by a majority of the board of Aldermen, Provided it shall not exceed twenty-five dollars per annum.

Sec. 14. That the Treasurer shall keep safely all money of said corporation; shall pay out the same upon the order of the board, and shall do such other duty as may be assigned him by the by-laws; and he shall give bond with security payable to the Mayor, in such sum as may be deemed proper conditioned for the faithful performance of his duties, to be approved by the board, and shall be allowed such compensation as may be specified by the board, not to exceed two and one-half per cent. for receiving and two and one-half per cent. for disbursing the funds.

Sec. 15. That the Mayor be, and he is hereby vested with all the power and jurisdiction of a Justice of the Peace, within the limits of said corporation, both civil and criminal.

Sec. 16. That the books and records of the corporation shall at all times be open for the examination of any of the citizens of said town.

Sec. 17. That the Aldermen shall have power to levy a poll tax, not to exceed one dollar on every citizen of the corporation, which shall be collected as other taxes are collected: Provided that they shall be assessed and collected by the Constable acting for the corporation at the time.

Sec. 18. That the board of Aldermen shall have power to enact all such laws and ordinances as may be for the good of society and for the peace and happiness of the citizens of said corporation, not inconsistent with the Constitution and laws of the State of Texas: Provided, ten days residence, and being a

free white male person over the age of twenty-one years shall constitute a legal voter in said corporation.

Sec. 19. That this act take effect and be in force from and after its passage.

Approved, February 2nd, 1856.

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## CHAPTER LVII.

### An Act to incorporate the Town of Lexington.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Lexington in Burleson county, be, and they are hereby declared a body politic and corporate, under the name and style of "The town of Lexington," and by that name may sue and be sued, plead and be impleaded in all Courts and actions whatsoever, and by the same name may purchase, hold, and dispose of any estate, real or personal, within the limits of the town for the use of the corporation, and may have a common seal which, with the signature of the Mayor, shall be evidence of their acts; and generally to do and perform any and everything not repugnant to this act of incorporation, nor to the constitution and laws of this State.

Sec. 2. That the limits of said corporation shall extend one-half mile in every direction from the centre of said town as now surveyed and represented on the town plot of Lexington.

Sec. 3. That there shall be a council of said town, to consist of a Mayor and four Aldermen, who shall be elected by the qualified electors resident within the corporate limits of said town. There shall also be elected at the same time and place, and in the same manner, one Recorder, one Treasurer and one Marshal. That all the officers elected by virtue of this act, shall, before they enter upon the duties of their respective offices, take and subscribe an oath before any officer authorized to administer oaths, that they will faithfully and impartially discharge the duties of their respective offices; and the Treasurer and Marshal shall also give bond with two or more good and sufficient sureties, to the Mayor and his successors in office, to be approved by the council, in such sum as they may require, conditioned to perform all the duties of their respective offices.

Sec. 4. That an election shall be held at some convenient place in said town on the first Monday of April in each and every year, for a Mayor, four Aldermen, one Recorder, one

Treasurer, and one Marshal. That the first election shall be ordered and directed by the Chief Justice of Burleson county as in general elections; and every subsequent election shall be ordered by the Mayor, who shall have the same power given by the law regulating general elections to the Chief Justice, so far as the same may be applicable; declare the results and issue certificates of elections. When the office of Mayor may be vacant, or he shall be absent from town, or fail to refuse to perform his duty in this respect, then any two of the Aldermen may perform the said duty, and if they should fail or refuse from any cause, then the Chief Justice of the county shall perform the same.

Sec. 5. That all officers elected by virtue of this Act, shall hold their offices until the next annual election, and when a vacancy may occur in any of the said offices, an election shall forthwith be ordered to fill such vacancy, and the officers so elected shall hold their offices until the next annual election; Provided all officers elected shall hold their offices until their successors are duly qualified.

Sec. 6. That the Mayor shall be President of the Council; that the Mayor and three Aldermen shall constitute a quorum to do business; that the regular meeting of the council shall be on the third Mondays in April, July, October and January; special meetings may be held at such other times as the Mayor may direct in writing signed by him.

Sec. 7. That all free white males over the age of twenty-one years, who have been resident citizens of the town three months next preceding any election, shall be entitled to vote for officers of said corporation.

Sec. 8. That the council shall have power to enact such rules, ordinances and regulations as they may deem proper for the government and improvement of the town and preservation of good order in the corporate limits; Provided they do not conflict with the Constitution and laws of this State; they shall enact rules and by-laws to regulate their proceedings, and shall have full power to enact and enforce proper police regulations; they shall have and exercise control and supervision over the public squares, alleys and streets of the town, regulate cleansing and paving of the same; regulate the markets; remove nuisances; establish the squares, streets and side walks of the town, and keep them in order, and for such purposes may appoint such officers as they may deem proper; prescribe their compensation and remove them at pleasure, and may enact penalties and forfeitures for the infraction or violation of any of the



rules, ordinances, regulations or by-laws, not to exceed in any case the sum of one hundred dollars for any one offence, and they may compel all persons who are liable to road duty, and who are residing in the corporate limits of said town, to work on the squares and streets, Provided such persons shall not be compelled to work more than six days in any one year.

Sec. 9. That the Council at a regular meeting shall have power to levy a tax on all real estate within the limits of said corporation subject to taxation by the laws of this State; Provided the tax of any one year shall not exceed one-fourth of one per cent. ad valorem. That they may levy a poll tax on any free white male person resident in said corporation, over the age of twenty-one years and under fifty years, not exceeding one-half dollar on each, which taxes shall be assessed and collected by the Marshal, under the same regulations as the State tax is collected, so far as they may be applicable, and paid over to the town Treasurer, one copy of the assessment roll to be returned to the Council, and filed by the Recorder.

Sec. 10. That it shall be the duty of the Recorder to enter in a well bound book, all the rules, ordinances, regulations, by-laws and proceedings of the Council, and preserve the same together with all papers, reports and documents, filed with him belonging to the Council, and he shall be entitled to such compensation as the Council may allow him for his services.

Sec. 11. That it shall be the duty of the Marshal to attend the Council in session and preserve order; to execute all writs legally issued to him by the Mayor and Council, and he shall have and exercise the same power as Constables of the County; execute and return writs in the same manner as provided by law defining the duties of Constables, and he shall be entitled to the same fees allowed Constables for similar services.

Sec. 12. That it shall be the duty of the Treasurer to receive and keep safely all the money of the corporation, and shall only pay the same out by order of the Council, evidenced by draft signed by the Mayor, and attested by the Recorder; and he shall make reports to the Council, under oath, of the state of (the) finances of the corporation, from time to time, as they may order.

Sec. 13. That the Mayor and each Alderman shall be conservators of the peace.

Sec. 14. That all suits for the recovery of fines, penalties and forfeitures for the violation of the ordinances, rules and regulations and by-laws of the Council, and for the recovery of taxes and other dues to the town, shall be instituted before the Mayor

in the name of the town of Lexington, who, in their disposition, shall be governed by the laws organizing Justices Courts.

Sec. 15. That all fines forfeitures, penalties and demands recovered before the Mayor, shall be paid over to the Town Treasurer, to be applied to the use of the town.

Sec. 16. That at the close of each meeting of the Council, the Mayor shall examine the entries of the proceedings of the Council made by the Recorder, and approve of the same, which shall be considered record evidence, in all Courts, of the acts and proceedings of the Council.

Sec. 17. That the Mayor and Aldermen shall be entitled to such compensation for their services, while in session, as may be allowed by the Council.

Sec. 18. That all property within said corporation not rendered for assessment to the Marshal by the first day of August of each year, by the agents or owners, shall be assessed by the number of lots and blocks, and the tax thereon shall be collected as other taxes in the corporation.

Sec. 19. That it shall be the duty of the Recorder to post up at some public place in said town, a copy, or copies of all the rules, ordinances and regulations for the government of said town; and that all the books of the corporation shall be open for the inspection of the citizens of the town and county at any and all times, convenient for the same.

Sec. 20. That this act take effect from and after its passage.

Approved, February 2nd, 1856.

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## CHAPTER LVIII.

### An Act to incorporate the Texas Christian College.

Section 1. Be it enacted by the Legislature of the State of Texas, That C. Kendrick, J. F. Taylor, James Hamlet, H. Douglass, T. L. Ricks, William Wright, S. Crawford, J. Scarborough, D. Trabue, T. Bush, S. Strickland, W. H. D. Carrington, James Erwin, O. Searcy, S. B. Giles, Spencer Ford, and H. Thomas, and their successors in office be and they are hereby constituted a board of Trustees, for a scientific and literary college of the first class, to be entitled, "The Texas Christian College," by which name it may sue and be sued, plead and be impleaded, buy and sell property real, personal and mixed, and shall have a common seal which it may alter and use at pleasure, in accordance with this act.

Sec. 2. That seven of the Trustees shall constitute a quorum for the transaction of business, provided that sixty days notice shall be given to the remainder of the time and place of meeting; in the absence of such notice a majority shall constitute a quorum and shall have power to make such by-laws and regulations as they may think proper for the government and prosperity of the Institution; Provided, such laws are not inconsistent with the laws of this State or of the United States.

Sec. 3. That the Trustees be authorized to elect all necessary officers, Professors, etc., and manage the business of the College, and perform all the duties usually performed by the Trustees of such first class College, to wit: filling vacancies in their own body; granting diplomas; conferring honorary degrees, etc.—They shall locate the College in this State, at such place as may be determined by them in accordance with the agreement of the committees of the Christian churches in Eastern and Western Texas, which is, that the largest subscription east or west of the Brazos, shall have the College, and then the largest subscription for any specific locality in the District gaining it shall be the place for its location, and they may receive and hold subscriptions in money or property, real, personal or mixed, to the amount of two hundred thousand dollars, exclusive of the college grounds, buildings, libraries, cabinets, and apparatus, to be held and used by them only, for the benefit and use of said College.

Sec. 2. That no religious test shall be required of any President, Professor, or Trustee in said College, nor shall any student or officer be censured, suspended, or expelled, on account of his opinion, political or religious.

Sec. 5. That the Bible may be taught in said College, in all its lengths and breadths, its history, prophecy, precepts, promises, commandments and ordinances, but no partisan, sectional, sectarian, or denominational peculiarity shall be taught or encouraged in said College.

Sec. 6. That besides a primary and preparatory Department, in immediate connection with said college, the Trustees shall be authorized to establish primary schools throughout the State, auxiliary to the said College, which shall be under their control and direction in accordance with this act and by laws adopted by the board of Trustees.

Sec. 7. That the said board of Trustees shall in no case be authorized or allowed to so manage or control said College as to injure the Christian church, or the church of God, and should the majority of the delegates of the various congregations at

any State meeting decide that said Trustees have improperly managed said College, they shall be authorized to elect a new board of Trustees; Provided, however, that three months notice of said State meeting shall be published in one or more newspapers of this State. That said new board of Trustees shall be vested immediately with all the authority and power intended by this act of incorporation to be vested in the present board of Trustees.

Sec. 8. That the said Trustees shall be authorized upon the passage of this act to put in operation as many primary schools as they may think proper, but the power to confer degrees, diplomas, and other duties of the College proper, shall only be exercised by them when the sum of fifty thousand dollars in money or property shall be secured to said College.

Sec. 9. And this act shall take effect from and after its passage.  
Approved, February 2nd, 1856.

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## CHAPTER LIX.

An Act to repeal an act, entitled "An Act to incorporate the Tyler University in the town of Tyler, County of Smith," and to re-incorporate the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That an institution of learning, heretofore established by an act entitled, "An Act to incorporate Tyler University," and placed under the supervision and control of the general association of the Baptist denomination of Texas, approved February 11th, 1854, be, and the same is hereby placed under the supervision and control of the Cherokee Baptist Association of Texas. Said University is hereby re-incorporated by the name of Tyler University, by which name it may sue and be sued, plead and be impleaded, buy and sell property, real, personal and mixed, and hold the same; said University may have a common seal for the transaction of business, and shall have entire control of all business of whatsoever character heretofore connected with it, and may sue for all claims and demands that have accrued or may hereafter accrue unto the same.

Sec. 2. That said Cherokee Baptist Association shall have and exercise all the powers necessary to effect the great object of this law; Provided such powers are not inconsistent with the Constitution and laws of the United States and of this State.

It shall have power to elect its own officers, appoint committees and examine into every branch or department of said University, fix salaries, and elect all the Professors and appoint and dismiss Tutors.

Sec. 3. That said association shall have power at its first regular meeting or sooner, if it be deemed proper, to elect a board of Trustees not exceeding fifteen in number. Should an election of a board of Trustees be had earlier than the first regular meeting of said association the members of said board shall only hold their offices until said first meeting, at which time another election shall take place, and forever thereafter at each regular meeting of said association.

Sec. 4. That said association shall make such rules and regulations for the government of said board, and confer such powers as it may deem proper.

Sec. 5. That the board of Trustees appointed under the act of February 11th, 1854, incorporating said University, shall continue to perform all the duties assigned them under said act, until the election of a board of trustees, as provided for in the third section of this act.

Sec. 6. That all donations, bequests and sales made to said University, shall be good and binding, although the corporate name of said University may not have been properly stated by the persons making such donations, bequests or sales.

Sec. 7. The seal of the corporation, with the attestation of any two of its principal officers, shall be sufficient to authenticate any acts of the same.

Sec. 8. That the names of all the donors to said University, with the amount of their donations annexed, shall be carefully and legibly inscribed in a book provided by said association, and kept for that purpose alone, and which shall be preserved among the archives of said University, that posterity may know who were the early donors of the same.

Sec. 9. Said association shall require the board of Trustees to make an annual report to said association, embracing the internal condition of said University, its finances and other matters of interest.

Sec. 10. That the act of February 11th, 1854, incorporating said University, be, and the same is hereby repealed, and this act take effect and be in force from its passage.

Approved, February 2nd, 1856.

CHAPTER LX.

An Act for the relief of the heirs of George Wagoner, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby authorized and required to issue to the heirs at law of George Wagoner, deceased, a certificate for one league and one labor of land, which may be located on any of the unappropriated public domain of this State, as other first class claims.

Sec. 2. Be it further enacted, That this act take effect from, and after its passage.

Approved 2d Feb., 1856.

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CHAPTER LXI.

An Act for the relief of Commodore E. W. Moore.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Treasurer of the State be, and he is hereby authorized and required to pay to Commodore E. W. Moore, five thousand two hundred and ninety dollars, out of any money in the treasury, not otherwise appropriated; Provided, that the said Moore shall first file with the Treasurer a full and final release against the Republic and State of Texas, for all demands.

Sec. 2. That this act take effect from its passage.

Approved 2d February 1856.

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CHAPTER LXII.

An Act to incorporate Franklin College.

Section 1. Be it enacted by the Legislature of the State of Texas, That a school of learning, consisting of male and female departments be, and the same is hereby established at the town of Palestine, Anderson county, to be known as the Franklin College.

Sec. 2. Be it further enacted, That there shall be seventeen Trustees of said college, to take charge of and superintend its interest, and a majority of whom shall constitute a quorum to do business.

Sec. 3. Be it further enacted, That the following named be and they are hereby declared to be the trustees of said college

to wit: Dr. B. Graham, Dr. E. J. DeBard, James M. Perry, Esq., E. J. Iglehart, Hon. A. G. Cantley, Dr. Isaiah King, A. Joost, Dr. John D. Rankin, P. L. Quarles, F. S. Jackson, W. T. Streety, Wm. Blackshear, Hon. John H. McClanahan, W. Jennings Duval, W. C. Foster, Matt Dale, John Smith.

Sec. 4. Be it further enacted, That the aforesaid trustees be, and they are hereby constituted a body politic and corporate, in deed and in law, by the name of the President and Trustees of Franklin College, and by that name they and their successors may and shall have perpetual succession, and be able and capable in law to receive, have and enjoy to them and their successors, land, tenements, hereditaments of any kind, in fee or for life, or for years, and personal property of any kind whatsoever, and all sums of money which may be given, granted or bequeathed to them for the purpose of promoting the interest of the said college.

Sec. 5. Be it further enacted That there shall be a stated meeting of the board of trustees in each year, at the time of conferring degrees, and that the president of said board of trustees shall have full power to call an occasional meeting of the board, whenever it shall appear to him necessary, and a majority of the board shall have authority to call occasional meetings, whenever they shall deem it necessary to do so.

Sec. 6. Be it further enacted, That the trustees of said college may and shall have a common seal, for the business of themselves and their successors, with liberty to alter or change the same from time to time, as they shall think proper; and that by their aforesaid name they and their successors may, and shall be able to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of law and equity in this State; and to grant, bargain and sell, or assign any lands, tenements, goods or chattels now belonging to said college, or that may hereafter belong to the same; to construct all the necessary buildings for said institution; to establish a preparatory department; to organize, establish and control a separate department and school for females, and such dependent institutions as they shall deem necessary in furtherance of the object of this act; to have the management of the finances, the privilege of electing their own officers, of appointing all necessary committees, and to act and do all things whatsoever for the benefit of the said college, in as ample a manner as any person or body politic or corporate, may and can do by law.

Sec. 7. Be it further enacted, That the said trustees shall have the power of prescribing the course of studies to be pur-

sued by the students, and of framing and enacting all such ordinances and by-laws as shall appear to them necessary for the good government of said college, and for their own proceedings: Provided always, That the same be in accordance with the Constitution of the United States, and of the State of Texas.

Sec. 8. Be it further enacted, That the head of said college shall be styled the President, and the instructors thereof the Professors, and the President and Professors, or a majority of them, the "faculty of Franklin College," which faculty shall have power of enforcing the ordinances and by-laws adopted by the Trustees, for the government of the students, by rewarding or censuring them, and finally by suspending such of them, as, after repeated admonitions, shall continue disobedient or refractory, until a determination of a quorum of trustees can be had, but it shall be only in the power of a quorum of trustees to expel any student or students of the said college.

Sec. 9. Be it further enacted, That the trustees shall have the full power, by the faculty of said college, to grant or confer such degree or degrees in the arts and sciences, to the students of said college, and to other persons worthy thereof, as are usually granted and conferred in other colleges, and to give certificates thereof, or diplomas, signed by them, and sealed with the common seal of the trustees of the college, to authenticate and perpetuate the memory of such graduations.

Sec. 10. Be it further enacted, That whenever any vacancy shall occur in the Board of Trustees, either by death, resignation, or expulsion for cause, such vacancy or vacancies shall be filled by the selection of the remaining Trustees.

Sec. 11. Be it further enacted, That all necessary officers of said college, shall be appointed by a majority of the Board of Trustees, viz: the faculty and minor officers; and that said officers shall always be subject to removal by the appointing power, for cause.

Sec. 12. Be it further enacted, That the salaries of all officers connected with the college, shall be fixed by a majority of the Board of Trustees.

Sec. 13. Be it further enacted, That the Franklin College shall be purely literary and scientific, and that the students of all religious denominations shall enjoy equal advantages.

Sec. 14. Be it further enacted, That this act take effect and be in force from, and after its passage.

Approved 2d February, 1856.



## CHAPTER LXIII.

## An Act for the relief of S. A. White.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to S. A. White, a certificate for one league and labor of land, as the assignee of Sarah White, which may be located and patented as other headright certificates, upon the payment of the dues specified in the headright No. 55, issued to Simon C. White, as the assignee of Sarah White, by the Board of Land Commissioners of Jackson County, on the twentieth day of January, A. D. 1838; Provided, said Sarah, nor Simon in the right of said Sarah, has ever obtained a headright for land, and provided further, that said S. A. White shall first file in the General Land Office said original certificate, and the transfer of said Simon.

Sec. 2. That this act take effect and be in force from, and after its passage.

Approved 4th February, 1856.

## CHAPTER LXIV.

An Act to change the names of Caroline Boyd, and Lucy Ann Boyd, to Caroline Boyd Stewart, and Lucy Ann Boyd Stewart, and to authorize Charles B. Stewart to adopt the said Caroline and Lucy Ann, with power to devise to them such portions of his estate as he may choose.

Section 1. Be it enacted by the Legislature of the State of Texas, That the names of Caroline Boyd and Lucy Ann Boyd, daughters of Elizabeth A. Stewart, by a former marriage, be, and they are hereby changed respectively to Caroline Boyd Stewart and Lucy Ann Boyd Stewart.

Sec. 2. That Charles B. Stewart have authority to adopt said Caroline and Lucy Ann as his legal heirs in pursuance of the provisions of An Act entitled, "An Act to prescribe the mode of adoption, approved Jan. 16th, 1850," with power to bequeath or devise to the said Caroline and Lucy Ann, or either of them, such portion or portions of his property as he may choose, not contravening the provisions of An Act entitled, "An Act concerning wills," approved January 28th, 1840.

Sec. 3. That this Act take effect from, and after its passage.

Approved 4th February, 1856.

CHAPTER LXV.

An Act for the relief of William M. Shephard.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Comptroller be and he is hereby authorized and required to issue duplicates for the following described lost drafts, to-wit:

Draft	No.	6097,	issued	November	21st,	1837,	for	\$26 00
"	"	6168	"	"	"	"	"	25 00
"	"	6169	"	"	"	"	"	25 00
"	"	6170	"	"	"	"	"	25 00
"	"	6171	"	"	"	"	"	25 00
"	"	6172	"	"	"	"	"	25 00
"	"	6173	"	"	"	"	"	25 00
"	"	6174	"	"	"	"	"	25 00
"	"	6175	"	"	"	"	"	25 00
"	"	6176	"	"	"	"	"	25 00
"	"	6177	"	"	"	"	"	25 00
"	"	6178	"	"	"	"	"	25 00
"	"	6179	"	"	"	"	"	25 00
"	"	6180	"	"	"	"	"	25 00
"	"	6181	"	"	"	"	"	25 00
"	"	6185	"	"	"	"	"	25 00
"	"	6186	"	"	"	"	"	25 00
"	"	6187	"	"	"	"	"	25 00
"	"	6188	"	"	"	"	"	25 00
"	"	6189	"	"	"	"	"	25 00
"	"	6190	"	"	"	"	"	25 00
"	"	6191	"	"	"	"	"	25 00
"	"	6192	"	"	"	"	"	25 00
"	"	9145	"	May	26th,	1838	"	1,323 25
"	"	9868	"	November	19th,	1838,	"	636 00

to William M. Shephard, upon the filing of a bond for double the amount of said drafts by the said William M. Shephard, with one or more good and sufficient securities, to be approved by the Comptroller, by which the State will be secured from the payment of the said original drafts, or indemnified in the event that they are paid; and when said drafts are issued, the Auditor and Treasurer be and they are hereby authorized and required to audit and pay said duplicates in the same manner as if the originals had been presented; and that this Act take effect and be in force from and after its passage.

Approved 4th February, 1856.

## CHAPTER LXVI.

## An Act for the relief of Thomas H. Mays.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Commissioner of the General Land Office be, and he is hereby required to issue to Thomas H. Mays, of Bastrop county, a certificate for one league of land in consideration of his having been permanently wounded in the Battle of San Jacinto; which certificate shall be in all respects held and recognized as other bona fide certificates.

Sec. 2. That this act take effect from and after its passage.  
Approved 4th Feb. 1856.

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## CHAPTER LXVII.

## An Act for the relief of G. B. Lamar.

Section 1. Be it enacted by the Legislature of the State of Texas: That the sum of one thousand and forty dollars be, and the same is hereby appropriated for the payment of G. B. Lamar, for advances made in cash through General Waddy Thompson for the subsistence of the Santa Fe prisoners after their release by the Mexican Government in Mexico.

Sec. 2. That this act shall take effect from and after its passage.  
Approved 4th February, 1855.

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## CHAPTER LXVIII.

## An Act for the relief of Harvey Sanderson's Heirs.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Commissioner of the General Land Office be, and he is hereby required to issue unconditional certificates each for half a league of land respectively to the following named persons, to-wit: to Emily Sanderson, Adolphus Sanderson and Isabella Sanderson; and that said certificates when issued, shall be located, surveyed and patented as other first class certificates. And that this act shall take effect and be in force from and after its passage.

Approved 4th Feb. 1856.

CHAPTER LXIX.

An Act supplemental to an act to incorporate the Memphis, El Paso and Pacific Railroad Company, passed by the sixth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas: That the fourteenth section of the above recited act, be amended so as to read as follows, viz: That if said company shall not commence the construction of said road within one year from the first day of March in 1856, and have completely graded and ready for the iron at least one hundred miles of said road within four years from the time of beginning, said charter shall be null and void; and if said company shall fail to put in complete running order ten miles of said road within one year from the time when either of the roads mentioned in the second section of this act, shall reach and be completed to the eastern terminus of this road, or from the time when any other rail road shall reach the line of this road, all the prospective rights of said company to receive land from the State shall be forfeited; and if afterwards said company shall fail to put a further section of ten miles thereof in complete running order in each year until the road shall be completed or connect with some other road, it shall from the time of such failure, forfeit all right to receive lands from the State.

Sec. 2. That the twenty-first section of the act to which this is a supplement, shall not authorize the stock holders to make a sale of the charter or the franchise conferred by it.

Sec. 3. The said company shall in regard to the alienation of its lands, be subject to all the provisions, imposed upon other rail road companies by "an act to encourage the construction of railways in Texas by donations of lands," approved January thirtieth, A. D. 1854.

Sec. 4. That said company shall be required to survey and sectionize, and number all the sections and fractional sections of vacant land within their reservation, within four years from and after the first of March, A. D. 1856, and also in said time deposit a correct map of the said work in the General Land Office, and if they fail to comply with the provisions of this section, they shall forfeit all rights in said reservation.

Sec. 5. That this act shall have the same force and effect as if it was incorporated with and formed a part of the original act to which it is supplemental, and shall go into operation at the same time with said act.

Approved 4th Feb. 1856.

## CHAPTER LXX.

## An Act for the relief of Rees D. Price.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Commissioner of the General Land Office, be, and he is hereby required to issue to Rees D. Price a certificate for one third of a league of land, which may be located, surveyed and patented, as other first class head-rights, and that this Act take effect from its passage.

Approved 4th February 1856.

## CHAPTER LXXI.

## An Act to incorporate the Memphis, El Paso and Pacific Rail Road Company.

Section 1. Be it enacted by the Legislature of the State of Texas: That Travis G. Wright, President, and the board of Directors of the Memphis and El Paso and Pacific Rail Road Company and the stockholders in the State of Texas of the same, together with such persons, corporation Companies and States as may be associated with them, and their successors, be and they are hereby created and constituted a body, corporate and politic under the name and style of the Memphis, El Paso and Pacific Rail Road company, with the capacity in said corporate name to make contracts, to have succession and a common seal, to make by-laws, to sue and be sued, to plead and be impleaded, to grant and receive, and generally to do and perform all such acts, and things, proper and necessary to be done to carry into effect the ends of this incorporation and the maintenance of the rights accruing under and connected with it not inconsistent with the laws of this State and the United States.

Sec. 2. That said corporation is hereby invested with the right to locate, construct, own and maintain a Railway commencing at the western terminus of the Mississippi, Ouachita and Red River Railroad, or the Cairo and Fulton Railroad, on the eastern boundary of the State between Sulphur Fork and Red River and running thence westwardly to the Rio Grande opposite to or near the town of El Paso; provided said company shall have the right to connect their road with any other Rail Road chartered by the State of Texas, running to, or in the direction of El Paso, and after such junction the companies

mutually agreeing, one common trunk road may be constructed to the western boundary of the State, and the stock of said companies may become united.

Sec. 3. That the capital stock of said company consisting of its property, real and personal, franchises and rights to property shall be divided into shares of twenty-five dollars each, every share entitling the owner thereof to one vote by himself or proxy for directors; said shares shall be deemed personal property, and may be transferred by any conveyance in writing, under such rules as may be prescribed by the directory; provided however, that all such conveyances shall be filed for record, and recorded by the Secretary of said company in a book or books to be kept for this purpose.

Sec. 4. The immediate government and direction of the affairs of said company shall be vested in a board of not less than nine directors who shall elect one of their number President of said company. No person shall be eligible to the office of director unless he be the owner of at least twenty shares of the stock of said company. The directors shall be elected biennially by the stockholders of said company; each being entitled to one vote for every share he may own. The first election to take place within one year of the passage of this Act at such time and place as the persons named in the first section of this Act may determine; provided however, it be within the State of Texas, and provided, further, that at least two thirds of said directors shall be citizens of the State of Texas, also that should a vacancy occur in said directory by death, resignation or otherwise, the vacancy or vacancies may be filled by the residue of said directors for the unexpired term; and should the stockholders from any cause fail to hold an election at any regular period, those in office shall continue directors until an election at a regular period. It shall be the duty of the directory to appoint a Secretary and Treasury, to prescribe their duties and require of them bonds for the faithful discharge of the same.—They shall keep or cause to be kept a record of all their proceedings; and an account of the receipts and expenditures of said company; and all such other books necessary and proper to be kept by said company which shall be open at all reasonable hours for the inspection of any person interested in said company. A majority of the board of directors shall have the authority of a full board, and all conveyances and contracts in writing executed by the President and countersigned by the Secretary or any other person or officers authorized by the directors under the seal of the corporation, and in pursuance of a vote of said directors.

shall be valid and binding, if made by authority of this Act.—Said company shall keep their office on the line of said Road and report annually to the Governor of the State, the condition of said company under the oath of the President, Secretary and Engineer of the same.

Sec. 5. The shares may be disposed of, and books opened for subscription thereto in such manner and on such terms as the directory shall determine will be best for the interest of said company and any agreement in writing by which any person shall become a subscriber to the capital stock of said company may be enforced against him according to its terms, and if any person fails to pay the amount due by him to the said company for shares in said stock according to the terms of his or her subscription the directors or their agent may sell at Auction after twenty days notice, and transfer to the purchaser, the shares of said delinquent, and if the proceeds of the sale shall not be sufficient to pay the amount then due on said subscription, with interest and charges, said delinquent shall be held liable to the company for the deficiency due upon such call, and if the proceeds of any such sale should exceed the amount so due with interest and charges, said delinquent shall be entitled to the surplus; provided that not less than two per cent upon such stock shall be paid at the time of subscription and such per cent thereafter as said directory may determine, not exceeding ten per cent per annum: Provided, that any subscriber wishing to pay more than ten per cent at the time of subscribing, may have the privilege of so doing.

Sec. 6. That no debts or liabilities contracted or losses sustained by said company shall be binding individually upon the stockholders for any sum exceeding the amount of their respective shares.

Sec. 7. It shall be lawful for the company to enter upon and purchase or otherwise take and hold any land necessary for the purpose of establishing and constructing said Railway with all necessary depots, and others buildings, and if said company shall not be able to obtain said lands by agreement with the owner thereof, they shall pay therefor such compensation as shall be determined upon in the manner provided in the following section; provided that the land so taken for the road bed shall not exceed two hundred feet in width, and for depots, and other buildings such further width as may be necessary for such other purposes.

Sec. 8. That any person when land has been taken as aforesaid without agreement or satisfactory compensation may apply

to the District Court of the county in which said land lies, for the appointment of Commissioners to assess the value thereof; and said court shall thereupon appoint three disinterested freeholders of said county whose duty it shall be to appoint a time and place to hear the applicant and company, and give them reasonable notice of said time and place; and after being duly sworn and hearing the parties, shall determine the amount of compensation, if, any, to which the applicant may be entitled, and make a return thereof of their award to the next succeeding term of said court. If said award is not rejected by said court for sufficeint cause then shown, by one of the parties, it shall be entered as the judgement of the court and the land condemned for the benefit of said company. In determining the question of compensation, said commissioners shall be governed by the actual value of the land at the time it was taken, and the benefit or injury done to the other lands and property of the owner by the establishment of said Railway, and if the amount of compensation awarded by said commissioners shall not exceed the amount offered by said company to the owner prior to said application to the court, the applicant shall pay the costs of the proceedings, otherwise the company shall pay the same.

Sec. 9. It shall be the duty of said company whenever any State or County road, now or hereafter established shall be crossed by the track of said Railway, to make and keep in repair good and sufficient causeways at such crossings, and in all cases where any person shall own land on both sides of said Railway, and there shall be no other convenient access from one part to the other, such owner shall have the right at all reasonable times to cross the track of said Railway.

Sec. 10. That said Company may acquire real estate by gift or purchase, and may appoint agents in such manner as it may think fit, with full authority to receive subscriptions of stock and conveyances of land to said company.

Sec. 11. Said company shall have the right to demand and receive such rates of prices for transportation of freight and passengers as it may think proper to establish, not exceeding five cents per mile for passengers, and fifty cents per hundred pounds of freight for every hundred miles the same may be carried: Provided, that the Legislature of this State, shall have the right at all times to regulate the price of passage and transportation of freight upon said Road so as not to reduce the same below twelve per cent interest per annum upon the actual costs of the same, and equipments thereto attached.

Sec. 12. If any person shall wilfully obstruct the cars on



said Railway or injure the same or its property, such person or persons may be punished when prosecuted by indictment for every such offence by due course of law; and shall also be liable to action by said company or any person whomsoever, that may suffer or be injured in person or property, from such obstruction, for the amount of damage occasioned thereby.

Sec. 13. Nothing in this Act shall be so construed as to confer banking privileges.

Sec. 14. That if said company shall not commence the construction of said road within one year from the first day of March A. D. 1856, and have completely graded and ready for the iron at least one hundred miles of said road within four years after the beginning thereof, their franchises shall revert to the State. Further, that should said company fail to put in complete running order ten miles of said Road within one year from the period when either of the roads mentioned in the first section of this Act, shall reach and be completed to the eastern terminus of this road, or from the time that any other road may reach the line of this, the Memphis, El Paso and Pacific Railway one half of the lands to which said company may be entitled for said section of ten miles, shall be forfeited to the State; and the same forfeiture shall be made for every section of ten miles which said company shall fail to put in complete running order every year thereafter.

Sec. 15. That all the vacant public land within eight miles on each side of the extension line of said road, shall be exempt from location or entry from and after the time when such line shall be designated by survey, recognition or otherwise. The lands hereby reserved shall be surveyed by said company, at their expense, and the alternate or even sections reserved for the use of the State; and it shall be the duty of said company to furnish the District surveyor of each District through which said road may run, with a map of the track of said road, together with such field notes as may be necessary to the proper understanding and designation of the same.

Sec. 16. That upon the completion of a section of twenty-five miles or more of said road and report thereof made to the Governor of the State as hereinafter directed, it shall be the duty of the Commissioner of the General Land Office to issue to said company in their corporate name eight certificates for six hundred and forty acres of land each, for every mile of road so graded. Said certificates may be located upon the odd sections within said reservation or upon any other vacant and public lands in the State, not reserved to the State or some other incor-

poration, in the same manner and under the same rules and regulations, as head-right certificates are located; and when the field notes of any survey above named shall be recorded in the proper District surveyor's office, certified to, and returned to the General Land Office, it shall be the duty of the Commissioner of the General Land Office to patent the same, and for the completion of each additional section of twenty miles as above provided, said company shall be entitled to eight additional certificates of six hundred and forty acres each per mile with like privileges as provided above: Provided, also, that said company shall file in the General Land Office a map of all the vacant land within said reservation by Districts as fast as the same may surveyed with the sections and surveys numbered from one up consecutively.

Sec. 17. That before making application for said certificates, it shall be the duty of the Chief Engineer of said road, together with the President and Secretary of the same, to make out a correct statement of the number of miles so graded in a complete manner, (such statement being sworn to, and subscribed by said engineer, President and Secretary) and return the same to the Governor of the State, and if upon examination the Governor is satisfied with the correctness of the statement, he shall direct the Commissioner of the General Land Office, to issue to the said company the number of Certificates to which it may be entitled by the previous section of this Act: Provided, no title shall be permanently vested in the company or their assigns to the land granted for the grading as contemplated in this Act, until twenty-five miles of said road have been completed and put in running order: Provided further, that this company shall not be entitled to any money now in the Treasury as a loan from the State of Texas, unless hereafter granted by Legislative Act.

Sec. 18. That whenever said company shall satisfy the Governor by proper testimony as above provided, or such as he may reasonably require, that a section of ten miles of said road has been completely finished, put in running order and furnished with all necessary cars, equipments, Engineers &c., he shall authorize the Commissioner of the General Land Office, to issue to said company in their corporate name eight additional certificates of six hundred and forty acres each, for every mile of said section of road so completed and put in running order. And in the same manner and upon the same proof of every other section of ten miles, as fast as the same shall be completed, to order the same number of certificates to be issued as herein provided for. Said

certificates to be located upon the odd sections within the reservation herein provided for; provided a sufficient quantity of land, of said odd sections are to be found therein, otherwise upon any vacant and unappropriated lands of the State; and provided always, that the even sections shall be reserved exclusively for the State: Provided also, that when square sections cannot be had in consequence of surrounding surveys, fractions of a section may be surveyed and appropriated in satisfaction of said certificate; and provided further, that whenever any of the certificates above named, with the field notes of surveys, made by virtue thereof, (are returned) it shall be the duty of the Commissioner of the General Land Office, to issue patents thereon to said company, or the assignees thereof.

Sec. 19. Said company shall be required to have a good and sufficient brake upon the hindmost car in all trains carrying passengers or freight, and also permanently stationed there, a trusty and skilful brakeman, under a penalty of not exceeding one hundred dollars for each offence, to be recovered in any court of competent jurisdiction for the benefit of the State; and on each locomotive engine passing over said road, shall be placed a bell of the weight of at least thirty-five pounds, or a steam whistle; and the said bell shall be rung, or the whistle blown at the distance of at least eighty rods from the place of crossing any highway or turnpike, and kept ringing or blowing until the engine has passed or stopped. Said company shall use in the construction of said road the best T or U iron rails.

Sec. 20. That no rights shall vest under this Act of incorporation until at least five hundred thousand dollars of stock shall, including the amount already taken in the Memphis, El Paso and Pacific Rail Road, have been subscribed, and the per cent above named actually paid into the hands of the Treasurer. Provided, also, that no certificate for land shall be issued under the provisions of the charter, until the company shall have made a satisfactory showing to the Governor of this State, that one million dollars of the stock have been subscribed, and at least five per cent paid thereon.

Sec. 21. That no sale of this charter, or its franchises shall be made, except by a vote of four-fifths of the stockholders thereof, but said company may enter into contracts, and form associations with any road, or the company owning any road, leading to the terminus of this (the Memphis, El Paso and Pacific Road) or any road intersecting the same, in order to form a Rail Road connection to the Mississippi River, or the Gulf of Mexico or to both: provided, no monies paid upon subscriptions for

stock shall be expended on any other road; that the road shall be finished from the eastern terminus, west to the point of intersection with the road, before it is extended to completion beyond said point, provided further, that after connection shall have been formed with any company, the extension of the road may be made in the name of either company, as may be agreed upon by said companies, and provided further, that the provisions of this Act shall not be so construed as to interfere with the provisions of any Railroad charter heretofore granted by this State, or the location of the Mississippi and Pacific Rail Road if located on or near north latitude 32.

Sec. 22. That an Act entitled "an Act to incorporate the Memphis and El Paso and Pacific Rail Road company," approved the 7th of February 1853, be, and the same is hereby repealed; and that this Act take effect and be in force from and after its passage.

Approved 4th February 1856.

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## CHAPTER LXXII.

### An act to incorporate Annberter Lodge Number forty-two of the Independent Order of Odd Fellows.

Section 1. Be it enacted by the Legislature of the State of Texas, That the officers and members of Annberter Lodge, number forty-two of the Independent Order of Odd Fellows, located and established at the town of Palestine in Anderson county and their successors shall be, and they are hereby declared to be a community corporate and body politic, by the name and style of Annberter Lodge number forty-two, Independent Order of Odd Fellows, and by that name they and their successors shall and may at all times hereafter be capable in law to have, receive, and retain any property, or estate, real or personal, by gift, purchase, devise or bequest, and such property, or estate at their pleasure, to sell, transfer, or dispose of and generally to manage and control in such manner as they may think proper: Provided, that the amount of property held by said Lodge shall not exceed twenty thousand dollars.

Sec. 2. The corporation, by the name and style aforesaid, shall be capable in law, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended against, in all and every court in this State, and before all or

any of the Judges, officers or other competent person whatsoever, in all actions at law, or suits in equity in and about all things whatsoever.

Sec. 3. The said corporation may have a common seal for their use, and the same at their will, to change, alter or make anew from time to time as they may think best, and shall in general have and exercise all such rights, privileges, immunities as are by law and custom incident to and necessary to corporations of a similar character, and that this act take effect from its passage.

Approved, February 5th, 1856.

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### CHAPTER LXXIII.

An Act to amend An Act to incorporate the town of Columbus, approved Feb. 8th, 1854.

Section 1. Be it enacted by the Legislature of the State of Texas, That the fourth section of the above recited act, is amended so as to read as follows, viz: That an election shall be held at the court-house in said town, on the first Monday in May, after the passage of this act, and annually thereafter for mayor, six aldermen, one recorder, one treasurer, and one marshal; that the first election shall be ordered by the Chief Justice of said county, to be held on the first Monday in May next, after the passage of this act, or as soon thereafter as he may be requested in writing by twenty-five persons authorized to vote in said corporation, which election shall be conducted according to the laws governing general elections so far as applicable. The Chief Justice shall declare the result of the election, and issue certificates of election to those persons elected; and every subsequent election shall be ordered by the Mayor, who shall appoint from among the voters of said corporation a presiding officer at such election, who together with one clerk and one judge, to be selected by him from among the voters of the corporation, and returns thereof shall be made by them to the recorder, within two days after the election, and on the third day after the election it shall be the duty of the mayor to ascertain and declare the result of the election, and to issue certificates of election to those elected; and it shall be his duty to cause the results of the election to be entered by the recorder, in a book, to be kept for that purpose, and in other respects the election shall be governed by the laws of general elections, so

far as they may be applicable: When the office of Mayor may be vacant, or he shall be absent from the county, fail or refuse from any cause to perform any of his duties in this respect, then any two of the aldermen may perform them; and if they should fail or refuse from any cause, then the Chief Justice of said county shall perform them.

Sec. 2. And that the tenth section of the above recited Act is amended so as to read as follows, (viz:) That the council at a regular meeting shall have power to levy a tax on all real estate within the limits of the corporation, subject to taxation by the laws of this State, and the same shall be liable for the taxes levied and assessed thereupon, Provided, that before the tax shall be levied and assessed, the Mayor and Aldermen, shall submit the proposition to tax, to the qualified electors for corporate officers at an election to be ordered by the Mayor for that purpose, and if a majority, of the electors, vote for the proposed tax, then it shall be lawful for the corporation to levy and collect the same in such manner as provided for in this Act. The tax of any one year shall not exceed one fourth of one per cent advalorem, and the council shall levy a poll tax on every free male person resident in said corporation, over twenty-one years and under fifty years of age, not exceeding fifty cents on each, and the taxes shall be assessed and collected under such rules and regulations as may be prescribed by the council. All sales for taxes shall be made by the Marshal who shall execute a conveyance as Marshal, to the purchaser, on payment of amount bid describing therein the property sold and when duly registered the said conveyance shall be prima facia evidence that the title legal and equitable is thereby transferred to the purchasers, and that all the requirements of this Act, and the rules and regulations of the council have been legally complied with, provided however that the owner of such property shall have the right to redeem the same at any time within two years of the and date of sale thereof, upon paying to the purchaser, or the Treasurer, for his use double the amount of tax and costs, for which the same was sold:

Sec. 3. That the twenty-first section of the above recited Act is repealed, and that this Act take effect from and after its passage.

Approved 5th February 1856.

## CHAPTER LXXIV.

## An Act for the relief of Simeon Hart.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue a patent to Simeon Hart, for one third of a league of land; provided the said Simeon Hart returns and files in the General Land Office a legal certificate for said quantity of land, together with a survey thereof made in conformity to law.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved 5th February, 1856.

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## CHAPTER LXXV.

## An Act for the relief of Thomas H. Mays.

Section 1. Be it enacted by the Legislature of the State of Texas: That the sum of one hundred dollars be, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be paid to Thomas H. Mays for a horse furnished the army of Texas in the campaign of 1836; and that this act take effect from its passage.

Approved 5th February, 1856.

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## CHAPTER LXXVI.

## An Act to incorporate the Terraqueous Transportation Company.

Whereas, Gen. T. J. Chambers has represented to this Legislature that he has discovered or invented a new means or vehicle for the transportation of freight and passengers, which is capable of traversing equally the land and the sea, and of passing from one to the other; and that it is equal, if not superior in safety, speed, accommodation and capacity for the transportation of freight and passengers to first class vessels by water, and railroad conveyances by land, whilst the roads proper for its use will be entirely exempt from the heavy expense for iron in the construction of railroads; therefore, in order to aid said Chambers to put into operation, and to bring into general use a discovery so valuable and important:

Section 1. Be it enacted by the Legislature of the State of Texas: That said Chambers and his associates and successors be, and they are hereby constituted a body politic and corporate for the term of one hundred years, by the name and style of the Terraqueous Transportation Company, with power, in such corporate name, to have succession, to make contracts, to have and use a seal, to acquire, hold, manage and alienate property personal and real; to sue and be sued, to implead and be impleaded in law and equity in like manner and as fully as a natural person; to issue bonds, to borrow money by mortgage on its property, or on its bonds; to make and construct roads, vehicles and vessels, and to own and operate the same for the conveyance and transportation of property and persons; to establish and regulate from time to time rates and charges for the transportation of freights and passengers; to appoint a President, Directors, Secretary, Treasurer and all such other officers as the Company may deem necessary, and prescribe their powers and duties, to make such by-laws not inconsistent with the Constitution and laws of the United States, or of any of the States in which their operations may be carried on, as may be deemed necessary and proper for the government of the Company and the management of its affairs and interests: and to possess generally, all the powers, rights immunities and privileges necessary to carry into full effect the provisions and objects of this act.

Sec. 2. Said corporation is hereby authorized to locate, survey, construct, equip, alter, maintain, own and operate, four thousand miles of road within this State proper, for the said newly invented vehicles, which shall be proportioned over every part of the State, with as much equality as practicable; and the right of way three hundred feet in width is hereby granted to said company for the construction and use of said roads along their entire length, through the public lands of this State, to be held and enjoyed for their benefit forever; and all earth, stone, timber, and other material of whatever sort on the public lands in the vicinity of said roads, shall be subject to the uses and purposes of the same, not only in the construction thereof, but in furnishing them with the necessary supplies to maintain them in operation and good repair.

Sec. 3. Said corporation is hereby invested with the right to construct its said roads over or across any stream or body of water, road or highway, or any lands owned by individuals or corporations, taking for the use of the road a width of three hundred feet; and in all cases where the land of private persons



or corporations may be thus taken, and the said company and the owners of the land can not agree upon the price to be paid, it shall be lawful for the owners to bring suit against said company in the District Court for the county where the land is situated, which shall be conducted as other suits in said court; and the damages caused by taking the said lands shall be determined by a jury, which, in making up its verdict, shall take into consideration the actual value of the lands at the time they were taken, together with the benefit or injury done to the balance of the lands belonging to the owner in the neighborhood by the establishment of the road; and if the damages awarded by the jury shall not exceed the amount offered by the company to the owner for the lands, he shall pay the costs of the proceedings; otherwise they shall be paid by the company, and the payment of the amount of the judgment of the court shall vest in the company a full and complete title for the lands thus taken.

Sec. 4. The said corporation is hereby authorized to make agreements and establish connections with such other corporations or companies, as it may deem fit; and when such companies may be so united by agreements properly entered into and recorded in the office of the Secretary of State of this State, they shall be regarded as one corporation, with all the rights, immunities, and privileges necessary to accomplish their objects, not inconsistent with the constitution and laws of the United States, or any of the States in which their operation may be carried on.

Sec. 5. The said corporation is hereby invested with authority to enter into agreements, and to make contracts, not only with individuals, but with States, Counties, Towns, Cities, and other organized bodies or corporations, for the negotiation of bonds and loans, the sale or purchase of capital stock or other property, or for work to be done; and all such agreements and contracts properly made with counties, towns, cities, or other corporate bodies in this State, shall be binding upon the same, and all of the citizens or members thereof.

Sec. 6. The capital stock of said corporation shall be at least equal to all the investments of the company, and the value of all its property, real and personal, and mixed; and it may be increased or diminished by the corporation from time to time, to suit its circumstances and interests. It shall be divided into shares of one hundred dollars each, which shall be deemed personal property; and it may be subscribed for, issued, transferred and forfeited, in such manner, and at such times and

places, as may be prescribed in the by-laws of the company; and in the transaction of the business of the corporation, each share shall entitle the owner to one vote, which may be given by himself or proxy, as he may desire. And the said T. J. Chambers shall be the first President of the said corporation, with full authority to organize the same; and as such, he shall have full power to attend to and control all the affairs and interests, and to transact all the business of the company until it may be fully organized under this charter, and its own by-laws, and another president be duly elected.

Sec. 7. If any person shall wilfully injure or obstruct the roads, vehicles or other property of said corporation, such person shall not only be punished criminally for such offence by due course of law, but shall be further liable to said corporation, and to any individual who may suffer in person or property, from such injury or obstruction, for all damages caused by the same.

Sec. 8. That this act shall take effect from its passage.

Approved, 6th February, 1856.

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## CHAPTER LXXVII.

### An Act to incorporate the town of Tyler, in Smith County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Tyler, in Smith County, be, and the same are hereby declared a body corporate, by the name and style of the town of Tyler, and by said name may sue and be sued, plead and be impleaded, and may hold and dispose of real and personal estate.

Sec. 2. That the limits of said corporation shall be two miles square, of which the court-house of the county, in the town of Tyler, shall be the centre.

Sec. 3. That there shall be the following officers of said town, to wit: One mayor and four aldermen, who shall compose the city council, to be elected by the qualified electors, resident within said corporation: there shall be elected at the same time and in the same manner, one recorder: there shall be one constable, to be appointed by the council: that all the officers elected or appointed under the provisions of this act, shall, before they enter upon the duties of their respective offices, take and subscribe an oath before any officer authorized to administer oaths,

that they will faithfully and impartially discharge the duties of their respective offices, and the recorder and constable shall give bond with two or more good and sufficient sureties, to the mayor and his successors in office, to be approved by the council, in such sum as it may require, not exceeding two thousand dollars, conditioned to perform all the duties of their respective offices.

Sec. 4. That an election shall be holden at the court-house in said town, on the first Monday in April of each and every year, for a mayor, four aldermen, and one recorder: That the first election shall be ordered and directed by the Chief Justice of said county, as in general elections; and every subsequent election shall be ordered by the mayor, who shall have the same power given by the law regulating elections to the Chief Justice, so far as the same may be applicable, declare the results, and issue certificates of election when the office of mayor may be vacant, or he shall be absent from the county, or fail or refuse to perform his duty in this respect, then any two of the aldermen may perform the said duty, and if they should fail, or refuse to do so from any cause, then the Chief Justice of the county shall perform the same.

Sec. 5. That all officers elected by virtue of this Act shall hold their offices until the next annual election; and when a vacancy may occur in any of the said offices, an election shall be ordered forthwith to fill such vacancy, and the officers so elected shall hold their offices until the next annual election: Provided, all officers elected shall hold their offices until their successors are qualified.

Sec. 6. That all free white males over the age of twenty-one years, who have been resident citizens of the town three months next preceeding any election and pay tax to the corporation, shall be entitled to vote for officers of said corporation.

Sec. 7. That the mayor shall be president of the council; that the mayor and two aldermen shall constitute a quorum to do business; that the regular meetings of the council shall be on third Mondays in April, July, October, and January; special meetings may be held at such other times as the mayor may direct, in writing signed by him.

Sec. 8. The councils shall have power to enact such rules, ordinances and regulations, as they may deem proper, for the government and improvement of the town, and preservation of good order in the corporate limits; Provided, they shall not conflict with the constitution and the laws of the State or United States; they shall enact rules and by-laws to regulate their own proceedings; and they shall have full power to enact and en-

force proper police regulations; they shall have and exercise control and supervision over the public squares, and streets of the town; regulate paving and cleansing of the same; regulate the markets, remove nuisances, establish the squares, streets and side walks of the town, and keep them in order, and for such purposes may appoint such officers as they may deem proper; prescribe their compensation, and remove them at their pleasure, and may enact penalties and forfeitures for the infraction or violation of any of the rules and ordinances, regulations or by-laws, not to exceed in any case, the sum of one hundred dollars for any one offence; and they may compel all male persons, over the age of seventeen years, and under forty-five, residents of said town, to work on the squares and streets; Provided, such persons shall not be compelled to work more than six days in any one year, and shall be exempted from all other road duty in said county; and they may impose such fines on defaulters as they may deem proper, not exceeding two dollars for each days' failure, and may allow any person to pay the amount of one dollar per day in lieu of the labor.

Sec. 9. That the council, at a regular meeting, shall have power to levy a tax on all the real estate, within the limits of said corporation, subject to taxation by the laws of this State: Provided, the tax of any one year shall not exceed one-fourth of one per cent. advalorem; that they may levy a poll tax on every free male resident in said corporation, over the age of twenty-one years, and under fifty years, not exceeding twenty-five cents on each, which taxes shall be assessed and collected by the constable, under the same regulations as the State tax is collected, so far as they may be applicable, and paid over to the recorder of the town; one copy of the assessment roll shall be returned to the council and filed by the recorder.

Sec. 10. It shall be the duty of the recorder to enter in a well bound book all the rules, ordinances, regulations and by-laws, and the proceedings of the council, and preserve the same, together with all papers, reports and documents, filed with him, belonging to the council; it shall be the duty of the recorder to receive and safely keep all the money of the corporation, and shall only pay the same out, by order of the council, evidenced by draft, signed by the mayor, and attested by the recorder, and he shall make reports to the council, under oath, of the state of the finances of the corporation from time to time, as they may order.

Sec. 11. That it shall be the duty of the constable to attend the council in session, and preserve order; and to execute all

writs legally issued to him by the mayor and council, and he shall have and exercise the same power as constables of the county; execute and return said writs in the same manner as provided by law, defining the duties of constables; as a compensation for said services, the constable shall receive annually a salary of one hundred and fifty dollars, and the council shall have power to make additional compensation annually, if it is deemed proper.

Sec. 12. That the mayor and aldermen shall be conservators of the peace, and the mayor shall have the same jurisdiction in criminal and civil cases, misdemeanors, and breaches of the peace, as is by law vested in Justices of the Peace, and shall be governed by the laws in such cases.

Sec. 13. All suits for the recovery of fines, penalties and forfeitures for the violation of the ordinances, rules and regulations and by-laws of the council, and for the recovery of taxes and other dues to the town, shall be instituted before the mayor in the name of the town of Tyler, which in their disposition shall be governed by the laws organizing Justices Courts.

Sec. 14. All fines, forfeitures, penalties, and demands recovered before the mayor, shall be paid to the recorder of the corporation, to be applied to the use of the town.

Sec. 15. At the close of each meeting of the council, the mayor shall examine the entries of the proceedings of the council made by the recorder, and approve the same, which shall be considered record evidence in all courts, of the acts and proceedings of the council.

Sec. 16. That the mayor shall receive, besides perquisites of office, an annual salary of seventy-five dollars, to be paid out of any money in the treasury of the corporation; the aldermen shall be entitled to such compensation for their services while in session, as may be allowed them by the council, not exceeding two dollars per day; the recorder shall be entitled to such compensation for his services as the council may think proper to allow, not less than one hundred dollars per annum.

Sec. 17. If at any meeting of the council, the office of mayor be vacant, or he be absent, unable or unwilling to attend from any cause, the aldermen present shall elect one of their number to act as mayor pro tem.; and if the office of recorder or constable be vacant, or they, or either of them, be absent or unwilling to attend from any cause, the council shall appoint a recorder and constable pro tem.

Sec. 18. That the council, while in session, shall have power to impose fines or imprison for contempt.

Sec. 19. That all property within said town not rendered to the constable by the first day of August of each year by the owners for assessment, shall be assessed by the number of lots and blocks, and the tax thereon shall be collected as other taxes in the corporation.

Sec. 20. That it shall be the duty of the recorder to post up forthwith on the court house door a copy or copies, of all rules, ordinances and regulations, for the government of said town; and that all the books of the corporation shall be opened for the inspection of the citizens of the town, at any and all times convenient for the same.

Approved 7th February, 1856.

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## CHAPTER LXXVIII.

An Act for the relief of the heirs of Charles S. Hardwick.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and (he) is hereby authorized and required to issue to the heirs of Charles S. Hardwick, a headright certificate for one third of a league of land, a bounty warrant for nineteen hundred and twenty acres of land, and a donation warrant for six hundred and forty acres of land, in consideration of the said Charles S. Hardwick having fallen with Fannin, at Goliad. Said certificates when issued, to be located, surveyed and patented as other certificates of a similar character, and that this act take effect and be in force, from and after its passage.

Approved 7th February, 1856.

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## CHAPTER LXXIX.

An Act for the relief of certain persons therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Loisann Sapp a certificate for six hundred and forty acres of land, to the heirs and legal representatives of Joshua E. Heath, deceased, a certificate for three hundred and twenty acres of land; to the heirs and legal representatives of Clayton Portman, deceased, a certificate for six hundred and forty acres of land, and also to

the heirs and legal representatives of John Marshal, deceased, a certificate for fourteen hundred and seventy-six acres of land, all of which may be located, surveyed and patented, as other headright certificates.

Sec. 2. Be it further enacted, That this act take effect from, and after its passage.

Approved 7th February, 1856.

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#### CHAPTER LXXX.

An Act for the relief of the Heirs at Law of William Stephens Kennard.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to the heirs at law, of William Stephens Kennard, a donation certificate for six hundred and forty acres of land, for having served in the battle of San Jacinto, to be located and surveyed, and patented according to law, and that this Act be in force from its passage.

Approved 7th February, 1856.

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#### CHAPTER LXXXI.

An Act to incorporate the Town of Belleville.

Section 1. Be it enacted by the Legislature of (the State of) Texas, That the citizens of the town of Belleville, in Austin county, be and they are hereby declared a body politic and corporate under the name and style of the town of Belleville, and by that name may be sued and sue, plead and be impleaded, may hold and dispose of property real and personal within the limits of said corporation or elsewhere.

Sec. 2. Said corporation shall include within its limits and exercise lawful jurisdiction over the surrounding country to the distance of one mile from the Public square in said town of Belleville.

Sec. 3. There shall be a council of said town to consist of a Mayor and four Aldermen, who shall be elected by the qualified electors resident within the corporate jurisdiction of said town: There shall also be elected at the same time and in the same manner one Recorder, one Treasurer and one Marshal. That all the officers elected by this Act shall before they enter upon the duties of their respective offices, take and subscribe an oath

before any officer authorized to administer oaths that they will faithfully and impartially discharge the duties of their respective offices and the Treasurer and Marshall shall also give bond with two or more good and sufficient sureties to the Mayor and his successors in office to be approved by the council in such sum as they may require not exceeding two thousand dollars conditioned that they perform well and faithfully all the duties of their respective offices.

Sec. 4. An election shall be held at the court House in said town on the first Monday in April of each and every year for a Mayor, four Aldermen, one Recorder, one Treasurer and one Marshal. The first election shall be ordered and directed by the Chief Justice of said county, as in general elections, as soon after the passage of this Act as may be convenient, and every subsequent election shall be ordered by the mayor, who shall (have) the same power that is given to the Chief Justice by law regulating the general elections so far as the same may be applicable and shall declare the results and issue certificates of election, where the office of mayor may be vacant or he shall be absent from the country or fail or refuse to perform his duty in this respect, then any two of the aldermen may perform the said duty and if they should (fail) or refuse from any cause, then the Chief Justice of the county shall perform the same.

Sec. 5. All officers elected by virtue of this Act, shall hold their offices, as follows: Those elected at the first election shall hold their offices until the first day of April 1857. all others elected under the provisions of this Act, shall hold their offices until the next annual election thereafter, and whenever a vacancy may occur in any of said offices, an election shall forthwith be ordered to fill such vacancy, and the officer so elected shall hold his office until the next annual election, provided always that all officers elected shall hold their offices until their successors are duly qualified.

Sec. 6. All free white males of and over the age of twenty years, who have been resident citizens within the limits of the corporation one month next preceding any election, and who are otherwise legal voters of the State of Texas, shall be entitled to vote for officers of said corporation.

Sec. 7. No person shall be eligible to the office of Mayor, Aldermen, Recorder, Treasurer or Marshal unless he be a resident within the limits of said corporation, and entitled to a vote.

Sec. 8. The Mayor shall be President of the Council and the Mayor and two of the Aldermen shall constitute a quorum to do business. The regular meetings of the council shall be on



the third Mondays in April and October. Special meetings may be held at such other times as the Mayor may direct and any business may be transacted at such special meetings that might have been transacted at a regular meeting of the council, except the levying of taxes which must be done at some regular meeting of the council.

Sec. 9. The council shall have power to enact such rules, ordinances and regulations as they may deem sufficient for the proper government and improvement of the town and preservation of good order within the corporate limits, provided they shall not conflict with the constitution and laws of this State or of the United States: They may enact rules and by-laws to regulate their own proceedings and shall have full power to enact and enforce proper Police regulations. While in session they may impose fines, imprison for contempt. They shall have and exercise control and supervision over the public squares, streets and alleys of the town, regulate, improve and cleanse the same, establish the squares, streets and alleys of the town and keep them in order; and for such purposes, may appoint such officers, as they may deem proper, prescribe their compensation and remove them at pleasure, and may enact penalties and forfeitures for the infraction or violation of any of the rules and ordinances, regulations or by-laws not to exceed in any case the sum of one hundred dollars and imprisonment not exceeding forty-eight hours for any one offence. They may compel all free white male citizens between eighteen and forty-five years of age, and all male slaves and other persons of color over sixteen and under sixty years of age, residents of said corporation, to work on the squares, roads and streets, provided such persons shall not be compelled to work more than six days in one year.

Sec. 10. The council at a regular meeting shall have power to levy a tax on all property real and personal within the limits of said corporation subject to taxation by the laws of said State of Texas, not to exceed one-half of one per cent advalorem for any one year, and may collect the same. They shall have power to levy and collect a license tax upon all tippling houses, billiard tables, nine or ten pin alleys, Mercantile and Grocery establishments, upon all shows, circuses, theatres and theatrical performances within the limits of said corporation. They shall have power to prescribe the manner of assessing and collecting said taxes, and have and exercise a general control over the financial affairs of the corporation.

Sec. 11. It shall be the duty of the Recorder to enter into a

well bound book all the rules, ordinances, regulations, by-laws and proceedings of the council, and preserve the same together with all papers reports and documents filed with him belonging to the council, and he shall be entitled to such compensation, as the council may allow him for his services.

Sec. 12. It shall be the duty of the Marshal to attend the council in session and preserve order, to execute all writs legally issued to him by the Mayor and council, and he shall have and exercise the same power as constables of the county, execute and return said writs in the same manner as provided by law, defining the duties of constables and he shall be entitled to the fees allowed constables for similar services, and such other compensation for other services as the council may allow.

Sec. 13. It shall be the duty of the Treasurer to receive and safely keep all the money of the corporation and he shall only pay the same out by order of the council, evidenced by draft signed by the mayor and attested by the recorder, and he shall make reports to the council, under oath, of the state of the finances of the corporation, from time to time, as they may order, for which services he shall receive such percentage on monies paid into the Treasurer as the council may allow.

Sec. 14. All suits for the recovery of fines penalties and forfeitures for violation of the ordinances, rules and regulations and by-laws of the council, and for the recovery of the taxes and other dues of the town, shall be instituted before the mayor in the name of the town of Belleville, and the mayor in their disposition shall be governed by the laws organizing Justices courts.

Sec. 15. At the closing of each meeting of the council, the mayor shall examine the entries of the proceedings of the council made by the recorder and approve the same, which shall be considered record evidence in all courts of the Acts and proceedings of the council.

Sec. 16. The mayor and aldermen shall be entitled to such compensation for their services while in session as may be allowed by the council not exceeding two dollars per day.

Sec. 17. If at any meeting of the council the office of mayor may be vacant or he be absent, unable or unwilling to attend from any cause, the aldermen present shall select one of their number to act as mayor pro tem, and if the office of recorder or marshal may be vacant or either of them absent, unable or unwilling to attend from any cause, the council may appoint a recorder or marshal pro tem.

Sec. 18. It shall be the duty of the Recorder to put upon the court house door a copy of all rules, ordinances and regula-

tions, for the government of the town immediately after their passage by the council and no such rule, ordinance or regulation shall go into effect until five days after its passage, and all the books of the corporation shall be open for the inspection of citizens of the town, at any and all times convenient for the same.

Sec. 19. This Act shall take effect from and after its passage.

Approved 7th February 1856.

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#### CHAPTER LXXXII.

An Act authorizing Archibald F. Leonard to erect a Mill on, and construct a dam across the West Fork of Trinity River.

Section 1. Be it enacted by the Legislature of the State of Texas, That Archibald F. Leonard is hereby fully authorized to erect a mill upon the tract of land patented to John A. Hurst, in Tarrant county on the west fork of Trinity river.

Sec. 2. That said Archibald F. Leonard is also authorized to construct a dam across said stream, provided the same shall not exceed ten feet in height.

Sec. 3. And that this Act take effect from its passage.

Approved 9th February 1856.

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#### CHAPTER LXXXIII.

An Act to incorporate the City of Austin.

Section 1. Be it enacted by the Legislature of the State of Texas: That all that district of country contained within the following limits to wit: Beginning at a point in the channel of the Colorado river where the west line of Westavenue intersects the same, thence up the said avenue with its west line to Shoal creek; thence up Shoal creek with its meanders to the lower corner of lot No. 28 in Division D; thence north 71° east with the southern line of Division D and C to the most southern corner of lot No. 26 in Division C; thence with the southern line of lot No. 44 in Division B to its most eastern corner; thence nearly south with the eastern lines of lots No. 39, 38, and 56 in Division B to the east corner of said lot No. 56; thence with the street between lots No 56, 61, 43, 21 and 55, in Division B to the eastern line of the east avenue; thence south 19° west, with the east line of said avenue to the centre of the channel of

the Colorado river; thence with the channel of said river the to place of beginning, is hereby erected into a City by the name of the City of Austin.

Sec. 2. That the inhabitants of the City of Austin, as the same extends and is laid out above, be; and they and their successors are, hereby constituted a corporation and body politic, in fact, and in law, by the name and style of the City of Austin, and by the same name shall have perpetual succession, shall sue and be sued, implead and be impleaded, defend and be defended in all courts of law and equity, and in all actions whatsoever; may purchase, receive, and hold property real and personal within said City, and may sell, lease or dispose of the same for the benefit of the City, and may purchase, receive and hold property real and personal beyond the limits of the City, to be used for the burial of the dead of the City; also, for the erection of water works to supply the City with water, and also for the establishment of an Hospital for the reception of persons infected with contagious and other diseases; also for a poor house work house or house of correction; and may sell, lease or dispose of such property, for the benefit of the City and may do all other acts as natural persons. They shall have and use one common seal, and may break, change, alter and make a new seal at pleasure.

Sec. 3. That the City of Austin shall be divided into eight wards, the boundaries thereof shall be fixed by the city council, and be by the council changed from time to time as they shall see fit, having regard to the number of free white male inhabitants, so that each ward shall contain as near as may be, the same number of free white male inhabitants.

Sec. 4. That there shall be a City council to consist of a Mayor and a board of Aldermen.

That the board of Aldermen shall consist of one member from each ward, to be chosen by the qualified voters for one year, and no person shall be an alderman unless he be a citizen of the State of Texas and shall have resided within the City limits for six months preceding his election, and a bonafide resident of the ward for which he is elected.

That if any alderman shall, after his election remove from the ward for which he is chosen his office shall thereby be vacated.

The City council shall judge of the election returns and qualifications of its own members, and shall determine contested elections.

The majority of the City council shall constitute a quorum to do business, but a smaller number may adjourn from day to day,

and may compel the attendance of absent members, in such manner and under such penalties as they may prescribe.

The City council may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds of the members elected expel a member, but not a second time for the same offence.

The City council shall keep a journal of its proceedings, and whenever practicable, publish the same in one newspaper of the City, and the yeas and nays of the members on any question, shall at the desire of any two of those present be entered on the journal.

No alderman shall during the time for which he was elected be appointed to any office under the city.

All vacancies that shall occur in the board shall be filled by election, in such manner as shall be provided for by ordinance.

Each alderman shall before entering upon the duties of his office take an oath that he will support the constitution of the United States and of this State, and that he will faithfully discharge the duties of his office.

Whenever there shall be a tie in the election of aldermen, the Judges of the election shall certify the same to the Mayor who shall immediately thereupon issue his proclamation stating such facts, and ordering a new election.

Sec. 5. That there shall be stated sessions of the City council and they shall be held at such time and places as shall be prescribed by ordinance.

Upon the passage of all ordinances appropriating money, or ordinances imposing taxes, increasing, lessening or abolishing licenses, and of ordinances for borrowing money, the yeas and nays shall be entered on the journal, but no ordinance for borrowing money shall pass except by a vote of thirds of the whole council.

All ordinances shall be read in council on three several days, unless two thirds of the members elected of the board shall dispense therewith.

A majority of the members of the City council shall be necessary to pass an ordinance appropriating for any purpose the sum of five hundred dollars or upwards, and ordinances in anywise diminishing or increasing the City revenue.

Sec. 6. That the appropriation of the City council for payment of interest for improvements, and for City expenses during any one fiscal year, shall not exceed the amount of income for the preceding fiscal year, but it shall be lawful for said board to appropriate any surplus monies in the Treasury to the extinguishment of the City debt.

Sec. 7. That the Mayor and City council shall have power within the City by ordinance.

1st. To levy and collect taxes, not exceeding one half of one per centum upon all property made taxable by law for State and county purposes.

2d. To borrow money on the credit of the City, provided the debt of the city from money so borrowed shall not exceed \$5000.

3d. To appropriate money, and to provide for the payment of the debt and expenses of the City.

4th. To make regulations to prevent the introduction of contagious diseases into the City.

5th. To establish hospitals and make regulations for the government thereof.

6th. To make regulations to secure the general health of the inhabitants and to prevent and remove nuisances.

7th. To provide the City with water and to erect hydrants, fire-plugs and pumps in the streets within or beyond the limits of the City for the convenience of the inhabitants of the City and environs.

8th. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean and keep in repair streets, lanes, avenues or alleys.

9th. To establish, erect and keep in repair bridges, culverts and sewers, and regulate the use of the same; to establish, alter and change the channel of water courses, and to wall them up and cover them over.

10th. To provide for the lighting of the streets and erecting lamps thereon.

11th. To establish, support, and regulate night watch and patrols.

12th. To erect market houses, establish markets and market places, and to provide for the government and regulation thereof.

13th. To provide for the erection of all needful buildings for the use of the City.

14th. To provide for the enclosing, improving and regulating all public grounds belonging to the City.

15th. To license tax, and regulate auctions, grocers, merchants, retailers and taverns, and to license tax, regulate and suppress, ordinaries, hawkers, peddlers, brokers, pawn-brokers, money changers and bakeries.

16th. To license tax, and regulate hackney carriages, omnibuses, wagons, carts and drays, and fix the rates to be charged for carriage of persons, and of wagonage, cartage and drayage of property.

17th. To license and regulate porters and fix the rate of porterage.

18th. To license tax, and regulate and suppress Theatrical and other exhibitions, shows and amusements.

19th. To license tax, regulate billiard tables, tippling houses and dram shops, and to suppress gaming and gambling houses and other disorderly houses, and to suppress bandy houses.

20th. To provide for the prevention and extinguishment of fires, and organize and establish fire companies; also to regulate, restrain and prohibit the erection of wooden buildings in any part of the City, to regulate and prevent the carrying on of manufactories dangerous in causing or producing fires; to appoint fire wardens and property guards, with power to remove and keep away from the vicinity of any fire all idle and suspicious persons lurking near the same; and to compel any person or persons present to aid in extinguishing such fire or in the preservation of property exposed to the danger of the same, and in preventing goods from being purloined thereat; and with such other powers and duties as may be prescribed by ordinance to compel the owners of houses and other buildings to have scuttles upon the roof of any such houses and buildings, and stairs and ladders leading to the same.

21st. To regulate and order the cleaning of chimneys and to fix the fees thereof.

22d. To regulate the storage of gunpowder, tar, pitch, rosin, hemp, cotton, and all other combustible materials, and the use of lights and candles in all stables, shops and other places; to remove and prevent the construction of any fire place, hearth, chimney, stoves, ovens, boilers, kettles, or apparatus used in any house, building manufactory, or business which may be dangerous in causing or promoting fires; to direct the safe construction of deposits for ashes, and severely to enter into or to appoint one or more officers, at reasonable times, to enter into and examine all dwelling houses, lots, yards, enclosures, buildings of every description, in order to discover whether any of them are in a dangerous state and to cause such as may be dangerous to be put in safe and secure condition.

23d. To regulate and prescribe the manner, and order the building of partition and of parapet walls and of partition fences.

24th. To establish standard weights and measures, and to regulate the weights and measures to be used in the City in all cases not otherwise provided by law.

25th. To provide for the inspection and measuring of lumber and other building materials.

26th. To provide for the inspection and weighing of hay, the measuring of charcoal, fire-wood and all other fuel to be used in the City.

27th. To regulate the inspection of butter, lard, and other provisions; to regulate the vending of meat, poultry and vegetables, to restrain and punish the forestalling of poultry, butter, eggs and fruit, and to suppress hucksters.

28th. To regulate the weight, quality and price of bread to be sold and used in the City.

29th. To regulate the size of brick made or sold in the City.

30th. To provide for the taking of an enumeration of the inhabitants of the City.

31st. To provide for the removing from office any person holding an office created by this Act, or by ordinance not otherwise provided for.

32d. To provide for the appointment of all officers, servants and agents of the corporation not otherwise provided for.

33d. To fix the compensation of the City officers not otherwise provided for, and regulate the fees of all jurors, witnesses and others, for services rendered under this Act, or any ordinance.

34th. To regulate the police of the City, to impose fines, forfeitures and penalties for the breach of any ordinance and provide for the recovery and appropriating such fines and forfeitures, and the enforcement of such penalties, provided that no fine shall exceed \$100, and imprisonment not exceeding fifteen days for any one offence.

35th. To erect a work-house and house of correction, and provide for the regulation and government thereof.

36th. To regulate and license all ferries within the limits of the City.

37th. To lay and collect a poll tax not exceeding fifty cents upon every free white male person over 21 years of age, who shall have resided six months within the City.

38th. To remove all obstructions from the side walks and to provide for the construction and repair of all side walks and curbstones, and for the cleaning of the same and of the gutters, at the expense of the owner of the ground fronting thereon.

39th. To prevent and restrain any riot, rout, noise, distur-



bance, or disorderly assemblages in any street, house or place in the City.

40th. To prevent and remove all encroachments in, and upon all streets, lanes, avenues and alleys, established by law or ordinance.

41st. To exercise complete and perfect control over the common and all the property belonging to the City, real or personal, whether lying within or beyond the limits of the corporation created by this Act, and the same to lease, sell, transfer and dispose of, either absolutely or with limitation, to any person or persons whatsoever, and generally to make such rules, regulations, by-laws and ordinances for the purpose of maintaining the peace, good government and order of the City of Austin, and the trade, commerce and manufactures thereof, as the City council may deem expedient, not repugnant to the laws and constitution of this State, and also, to enforce the observance thereof by inflicting penalties upon any inhabitant thereof, or other person or persons for the violation of any ordinance not exceeding one hundred dollars for any one offence, recoverable with costs in any action of debt, by and in the name of the City of Austin for the use of the City, before any court having cognizance of the same.

Sec. 8. That the City council shall have power, subject to the restrictions in the preceding section to make all ordinances which shall be necessary and proper for carrying into effect the powers specified in the preceding sections, and all other powers vested by this Act in the corporation, the City government, or any department of officers thereof.

No money shall be expended, nor shall any improvement be ordered involving an expenditure of money, except by ordinance, the provisions of which shall be specific and definite.

Every ordinance which shall have been passed by the City council shall, before it becomes a law be presented to the Mayor for his approbation. If he approve he shall sign it, if not he shall return it with his objections to the board, which objections shall be entered at large on the Journal and the ordinance be reconsidered.

If after such reconsideration two thirds of all the members of the board shall agree to pass the same, it shall be in force as an ordinance.

In all such cases, the votes of the City council shall be taken by yeas and nays and entered on the Journal.

If any ordinance shall not be returned by the Mayor in five days (Sunday excepted) after it shall have been presented to

him for his approbation, the same shall be in force as an ordinance in the same manner as if he had approved and signed it.

Every resolution except in case of adjournment, shall be presented to the Mayor, and before the same shall take effect, shall be proceeded upon in the same manner as in case of an ordinance.

The style of the ordinance of the City shall be "Be it ordained by the City Council of the City of Austin."

All ordinances passed by the City Council shall within ten days after they become laws be published in one newspaper published in the City of Austin.

All ordinances of the City may be proven by the seal of the corporation, and when printed and published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

The President of the board of Aldermen shall exercise the same duties and receive the compensation of Mayor, whenever and so long as from any cause said office of Mayor shall be vacant or the Mayor be absent from the City.

Sec. 9. That the chief executive officer of the City shall be the Mayor, who shall be elected by the qualified voters of the City, and who shall hold his office for the term of one year, and until his successor is duly elected and qualified. The salary of the Mayor shall be \$500 besides fees of office.

No person shall be Mayor who, at the time of his election, is not possessed of the qualification required for an Alderman or who holds any lucrative office under authority of the United States.

When two or more persons shall have an equal number of votes for the office of Mayor, the City council shall order a new election.

Whenever an election for Mayor shall be contested, the City council shall determine the same by vote.

Whenever any vacancy shall happen in the office of Mayor, it shall be filled by election in such manner as shall be provided for by ordinance.

The Mayor may be removed from office for any misdemeanor, by a majority of two-thirds of the City council.

The Mayor shall have power to nominate and by and with the consent of the board of Aldermen, to appoint all City officers, not ordered by this Act to be otherwise appointed; he shall take care that the laws of the State and the ordinances of the City are duly enforced, respected and observed within the City, he may remit fines, forfeitures and penalties, accruing from or

imposed for the violation of any ordinance of the City; he may fill all vacancies which may occur in any elective office other than that of Alderman until the same be filled by election, and in any other office until the end of the session of the board of Aldermen, which shall not happen after the vacancy shall have accrued; he shall from time to time give to the City council information relative to the state of the City, and shall recommend to their consideration such measures as he shall deem expedient for the advantage of the City.

The Mayor may call special sessions of the City council by notice served on them.

Whenever a special session of the City council shall have been called by the Mayor, he shall state to them when assembled the cause for which they have been convened.

Sec. 10. That there shall be a City Treasurer, City Marshal, City Attorney, who, in addition to the duties prescribed by this Act shall perform such other duties as may be prescribed by ordinance. There shall be such other officers, servants and agents of the corporation as may be provided by ordinance, to be appointed by the Mayor, by and with the advice and consent of the board of Aldermen, and to perform such duties as may be prescribed by ordinance. The City Treasurer and City Marshal shall be elected in the same manner as the Mayor and Aldermen, and the City Attorney shall be appointed by the Mayor by and with the advice and consent of the board of Aldermen, they shall hold their offices for one year and until their successors are duly qualified.

It shall be the duty of the city Treasurer to receive and keep the money of the City and to pay out the same on warrants drawn by the Auditor.

The City Marshal shall, within the City in matters of a criminal nature arising under any law of the State, possess the same powers, perform the same duties, and receive the same compensation as the constable of Travis county; he shall execute and return all process issued by the Mayor, Recorder, any Alderman or Justice of the Peace, under this Act or ordinance of the City.

Sec. 11. That the Mayor and all other officers of the corporation shall reside within the limits of the City during their continuance in office; and if the Mayor of the corporation shall cease to reside within the limits of the City, his office shall be thereby vacated.

The Mayor shall have the same jurisdiction as Justices of the Peace within the limits of the City in all State cases; he

shall have jurisdiction over all cases arising under any ordinance of the City, subject however to an appeal or writ of certiorari in all cases to the District Court, and every such appeal shall be taken and granted in the same manner as appeals or certiorari are taken and granted by Justices of Courts to the District court under the general laws of the State; he shall charge in all cases the same fees which are now allowed to Justices of the Peace for the same kind of services, which shall be charged and collected as other costs, and shall act as President of the board of Aldermen.

Sec. 12. That a general election of all the officers of the corporation required to be elected by this Act, or any ordinance of the City shall be held on the first Monday of November in each year.

At all elections for City officers the voters shall vote by ballot and shall vote at such time and place as the Council shall prescribe.

Judges of elections shall be appointed by the board of Aldermen; they shall take an oath to faithfully and impartially discharge their duties; they shall open the polls at nine o'clock and close them at sunset, when they shall forthwith proceed to ascertain and certify the result of the election in the presence of so many of the candidates, or other persons of all parties indiscriminately, as can be conveniently accommodated in the room selected for the purpose, provided that there shall never be less than ten voters present at any count, if so many desire to be present.

No election shall be held in a grog shop or other place where intoxicating liquors are vended.

All persons qualified as electors under the first section of the third article of the constitution of the State of Texas, who shall have resided six months within the City and one month within the ward for which he proposes to vote for Alderman.

The election for City officers shall be but one day, and during that day the polls shall not be closed on any pretence whatever.

Special elections to fill vacancies shall be held under such regulations as may be provided for by law or ordinance.

Sec. 13. That it shall be lawful for the City council to grade, pave, macadamise, clean, water, or light any street, lane, or avenue, not established and opened according to law and ordinance. It shall be lawful nevertheless, for the city Council to order the owner or owners of ground fronting on any private

alley to keep the same clean, and if necessary thereto, to direct him or them to pave the same.

When it is necessary to take private property for opening, widening, or altering any public street, lane or avenue, the corporation shall make a just compensation therefor to the person whose property is so taken; if the amount of such compensation cannot be agreed upon, the Mayor shall cause the same to be ascertained by a jury of disinterested persons freeholders of the City.

In opening, altering or widening alleys through the blocks or squares of the City the same proceeding shall be had as in case of altering, widening, or altering public streets, lanes or avenues, with this addition, that the jury shall ascertain the amount of benefit that shall accrue to the person whose property is taken, and those who may have petitioned for the opening, widening or altering of such alley.

When the owner of the major part of the front of all the property on the street, lane, avenue, or alley proposed to be opened, widened or altered shall petition therefor, the Mayor and city Council may open, widen, or alter, such street, lane avenue or alley, upon conditions to be prescribed by ordinance.

All jurors empaneled to enquire into the amount of benefits or damages which shall happen to the owner of property proposed to be taken for opening, widening, or altering any street, lane, avenue or alley, shall first be sworn to that effect, and shall return to the Mayor their inquest in writing, and signed by each juror.

Sec. 14. That the Mayor shall have power, for good cause shown, within ten days after any inquest shall have been returned to him as mentioned in the preceding section, to set the same aside and cause a new inquest to be made.

The Mayor and city Council shall have power by ordinance, to enforce the payment of all sums which a jury may declare to be the amount of benefits accruing to the owners of property upon any alley which shall be opened, widened or altered.

The Mayor and city Council shall have power by ordinance, to levy and collect a special tax on the holders of the lots on any street, lane, avenue or alley, according to the respective fronts owned by them for the purpose of paving or embellishing with shade-trees, or grading, such street, lane, avenue or alley, Provided always such tax shall not exceed one half of one per centum of the value of said lot, nor shall the grading or paving be done at the sole and exclusive expense of the owners of the lots fronting on the street, lane, avenue or alley, unless a petition for such

paving and grading thereon, signed by the owners of a major part of the ground fronting or adjoining thereto be presented for such purpose.

The City council shall have power by ordinance to direct the manner in which any property, real or personal, advertised for sale, or sold for taxes, by authority of the corporation, may be redeemed.

Lands within the limits of the City, which have not been laid off into blocks or lots shall not be assessed or taxed otherwise than by the acre, as agricultural lands, and shall continue to be so assessed and taxed until laid off into blocks or lots by the owners thereof, respectively, and the owners of such lands in laying off the same into blocks or lots shall so arrange the streets that they shall correspond with previously established streets of the City.

Sec. 15. That the City council shall cause to be published within one month after the end of each fiscal (year) a full, complete and detailed statement of all monies received and expended by the corporation during the preceding fiscal year, and on what account received and expended, classifying each receipt and expenditure under its proper head.

All ordinances and resolutions now in force in the City of Austin, and not inconsistent with this Act, shall remain in force until altered, modified, or repealed under this Act.

All suits, actions and prosecutions instituted, commenced, or brought by the corporation thereby created, shall be instituted, commenced and prosecuted in the name of the City of Austin.

All actions, fines, penalties (and) forfeitures which shall have accrued to the city Council of Austin or the City of Austin, shall be vested in and prosecuted for by the corporation hereby created.

All property real and personal, heretofore belonging to the inhabitants of the City of Austin, or the Trustees of said town, in their corporate capacity, or to the Mayor, Aldermen, and citizens of the City of Austin, or to the city Council of the City of Austin, or to the City of Austin, shall be and the same is hereby declared to be vested in the corporation hereby created.

This charter shall not invalidate any act done by the Mayor, Aldermen or citizens of the City of Austin, the city Council of the City of Austin, or the City of Austin, nor divest them of any right which may have accrued to them prior to the passage of this Act.

This Act is declared to be a public Act and may be read in evidence in all courts of law and equity in this State without proof.

The City of Austin shall have power to erect and organize a work house within the city limits and within Travis county and any person who shall fail or neglect to pay any fine or cost imposed on him by any ordinance of the City of Austin for any misdemeanor or breach of any ordinance of said City, may instead of being committed to the jail or calaboose, be committed to the work house until such fines and costs be fully paid: Provided, however that no such imprisonment shall exceed the period of fifteen days for any one offence.

Every person so committed to the work house, shall be required to work for the City at such labor as his health and strength will permit, within or without said work house, not exceeding ten hours each day, and for such work and labor, the person so employed shall be allowed exclusive of his board, fifty cents per day for each day's work, which amount shall go toward paying such fine and costs.

Sec. 16. That the inhabitants of the City of Austin are hereby exempted from working upon any road beyond the limits of the City, and for paying tax to procure laborers to work on the same.

The City shall not at any time become a subscriber for any stock in any incorporation.

The fiscal year of the (City) shall terminate on the day preceding the first Monday of November in each year.

Whenever any City officer accountable as such for any money received or receivable by him shall neglect or refuse to pay over or account for the same or balance properly due by him to the city upon the adjustment of his account, the Mayor shall order suit to be commenced in the proper court against such delinquent officer for such sum or balance, adding thereto the commissions of the delinquent, which shall be forfeited in any instance where suit is commenced and judgment obtained thereon, and interest at twelve per cent per annum from the time of receiving the money or when it shall have been received until it shall be paid into the Treasury.

Sec. 17. That one half at least of the revenue of each year shall be appropriated to defraying the back debts if any owing by the City; a separate account shall be kept of such appropriations, and the disbursement thereof, and if any such appropriation shall be diverted from the appropriate objects, each member of the Council voting for such misappropriation and, the Mayor approving any ordinance or resolution making such misappropriation, shall be liable to the City in his individual estate to the amount of such misappropriation, provided however any excess

at the end of any fiscal year remaining after the expenses attendant on those objects are liquidated and paid, shall constitute a sinking fund for the discharge of other obligations and contracts of the City, and may be so appropriated; and if any appropriation be made in other respects contrary to this Act, each member of the city Council voting for such appropriation, and the Mayor approving any ordinance or resolution making such appropriation, shall be liable to the City in his individual estate to the amount of such appropriation.

A separate account shall be kept of the revenue applicable to the different objects in this Act indicated, and of the disbursements on account of each, and there shall be made by the proper officers quarterly accounts; and at the end of each fiscal year, there shall be published under the direction of the city Council a statement showing the receipts and disbursements for the last fiscal year.

No warrant, bond, bill, or note, shall be issued by the City to any creditor of the City for less than one hundred dollars, or the entire amount due by the City to such creditor, if the same be less than such sum or the balance remaining due to such creditor after the issue to them of such one hundred dollar securities.

The present city Council shall exercise all of the powers and functions vested in the Council under this Act until superseded under the same, and they shall as soon as practicable after the passage of this Act, proceed to take an enumeration of the free white male inhabitants of the City, and to divide the City into wards as prescribed by the same, and provide for elections conformably to the same.

This Act shall take effect and be in force from and after its passage, and all Acts conflicting in part or whole with the provisions of this be and the same are hereby repealed.

Approved February 9th 1857.

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#### CHAPTER LXXXIV.

An Act supplemental to an Act to incorporate the San Antonio and Mexican Gulf Rail Road, approved. September 3d eighteen hundred and fifty, and the supplements thereto.

Section 1. Be it enacted by the Legislature of the State of Texas, That the time for the completion of the first section of twenty-five miles of the San Antonio and Mexican Gulf Rail Road, be and the same is hereby extended till (until) the first day of July eighteen hundred and fifty-seven; provided said company shall thereafter be compelled to construct at least



twenty-five miles each and every year, until the entire road is completed, under the penalty of forfeiture declared in the original and supplemental charter of said company.

Sec. 2. That hereafter it shall not be lawful for the County Court of Bexar county to levy and collect any tax on real estate without the limits of Bexar county proper, to pay the interest on any Railroad bonds heretofore issued by said county, any law to the contrary notwithstanding.

Sec. 3. That hereafter the Directors of said company, shall never exceed thirteen, nor be less than seven; and that this Act take effect from and after its passage.

Approved 20th February 1856.

## THE STATE OF TEXAS.

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I, Edward Clark, Secretary of State, of the State of Texas certify that the sixth Legislature of said State, commenced its session at the city of Austin, on Monday the 5th day of November, in the year one thousand eight hundred and fifty-five, and adjourned on Monday the 4th day of February, in the year one thousand eight hundred and fifty-six to meet again on Monday, the 7th day of July thereafter.

And I further certify, that the acts contained in this volume are true copies, with the exception of the words embraced in brackets, taken from the original rolls deposited in the Department of State, with which they have been carefully compared.

Given under my hand and official seal, at the City  
[L. S.] of Austin, the first day of April, in the year one thousand eight hundred and fifty-six.

EDWARD CLARK.

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Note.—The words in brackets were inserted by the Secretary of State in comparing the laws, supposing them to be omissions in enrolling the bills.

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**GENERAL LAWS**  
**OF**  
**THE SIXTH LEGISLATURE**  
**OF**  
**THE STATE OF TEXAS**

**PASSED AT ITS**  
**ADJOURNED SESSION CONVENED JULY 7, 1856**

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**BY AUTHORITY.**

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**AUSTIN**  
**1856**



# GENERAL LAWS

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## CHAPTER LXXXII.

An Act to provide for the better security of the Archives of the State Department.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Secretary of State be, and he is hereby authorized, upon the adjournment of the present Legislature, to take possession of two or more rooms, as may be necessary, in the basement story of the Capitol, for the use of the State Department, and the better preservation and protection of the Archives of said office.

Sec. 2. That this act take effect upon the adjournment of the present session of the Legislature.

Approved July 16th, 1856.

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## CHAPTER LXXXIII.

An Act to define the first Judicial District, and to fix the time of holding the District Courts therein.

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the passage of this act, the counties of Matagorda, Wharton, Colorado, Fayette, Austin, Fort Bend and Brazoria, shall compose the first Judicial District of the State of Texas.

Sec. 2. From and after the final passage of this act, the District Courts in the first Judicial District shall commence and be held as follows, to wit: In the county of Brazoria, on the first Mondays in April and October, and may continue in session two weeks; In the county of Matagorda, on the



second Mondays after the first Mondays in April and October, and may continue in session one week; In the county of Wharton, on the third Mondays after the first Mondays in April and October, and may continue in session one week; In the county of Colorado, on the fourth Mondays after the first Mondays in April and October, and may continue in session two weeks; In the county of Fayette, on the sixth Mondays after the first Mondays in April and October, and may continue in session three weeks; In the county of Austin, on the ninth Mondays, after the first Mondays in April and October, and may continue in session two weeks; In the county of Fort Bend, on the eleventh Mondays, after the first Mondays in April and October, and may continue in session until the business is disposed of.

Sec. 3. All writs and process, that have been, or may hereafter be issued from any of the District Courts of the first Judicial District as defined by this act, shall be considered as returnable, and shall be returned to the terms as established and fixed by this act; and they shall have the same force and effect as if they had originally been issued so returnable.

Sec. 4. That the provisions of all laws, so far as they conflict with this act, be, and the same are hereby repealed; and that this act take effect and be in force, from and after its passage.

Approved July 19th, 1856.

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#### CHAPTER LXXXIV.

An Act to create and organize the Eighteenth Judicial District, and to define the time of holding Courts therein.

Section 1. Be it enacted by the Legislature of the State of Texas, That the counties of Atascosa, Medina, Bandera, Uvalde, Kinney and Maverick, be, and the same are hereby created into a New Judicial District, to be called the Eighteenth Judicial District.

Sec. 2. That the District Courts shall be held in the counties composing said eighteenth Judicial District as follows, to wit: In the county of Atascosa, on the third Mondays after first Mondays of March and September, and may continue in session one week; In the county of Medina, on the fourth Mondays after the first Mondays of March and September,

and may continue in session one week; In the county of Bandera on the fifth Mondays after the first Mondays of March and September, and may continue in session one week; In the county of Uvalde, on the sixth Mondays after the first Mondays of March and September, and may continue in session one week; In the county of Kinney, on the seventh Mondays after the first Mondays of March and September, and may continue in session one week; In the county of Maverick, on the eighth Mondays after the first Mondays of March and September, and may continue in session one week.

Sec. 3. That the Governor of the State be, and he is hereby authorized and required to order an election for a District Judge, and a District Attorney for said eighteenth Judicial District, immediately after the passage of this act.

Sec. 4. That all laws and parts of laws, conflicting with this act, are hereby repealed.

Sec. 5. That this act take effect from and after its passage.

Approved July 22d, 1856.

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#### CHAPTER LXXXV.

An Act Supplementary to the act of January 28th, 1840, concerning Wills, and authorizing persons to dispose of their Estate by Will.

Section 1. Be it enacted by the Legislature of the State of Texas, That all persons are hereby authorized and permitted to dispose of their own estate, real and personal, by will or otherwise, and that the thirteenth and fifteenth sections of the act of January 28th, 1840, entitled "An Act concerning Wills," and the provisions of all other acts so far as they conflict with this, be, and the same are hereby repealed.

Sec. 2. That this act take effect and be in force, from and after its passage.

Passed, July 24th, 1856.

## CHAPTER LXXXVI.

An Act to amend the fourth section of An Act entitled "An Act regulating attachments," approved March 11th, 1848.

Section 1. Be it enacted by the Legislature of the State of Texas, That the fourth section of the above recited act be hereby amended so that the same shall hereafter read as follows, to wit: The Judges and Clerks of the District Court and Justices of the Peace, may issue original attachments, returnable to their respective Courts, upon the party applying for the same, his Agent or Attorney making an affidavit in writing, stating that the defendant is justly indebted to the plaintiff and the amount of the demand; also, that the defendant is not a resident of this State, or that he is about to remove out of this State, or that he secretes himself so that the ordinary process of law cannot be served on him; or that he is about to remove his property beyond this State, or that he is about to remove his property beyond the county in which the suit is to be or has been commenced, or that he is about to transfer or secrete, or has transferred or secreted his property for the purpose of defrauding his creditors, and that thereby the plaintiff will probably lose his debt, and he shall also swear that the attachment is not sued out for the purpose of injuring the defendant.

Passed, July 24th, 1856.

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CHAPTER LXXXVII.

An Act to change the time of holding the District Courts in the tenth and fourteenth Judicial Districts.

Section 1. Be it enacted by the Legislature of the State of Texas, That the District Courts shall be held in each of the counties composing the Tenth Judicial District, twice in each year, and at the following times, to wit: In the county of Calhoun, on the first Mondays in February and August, and may continue in session two weeks; in the county of Victoria, on the second Mondays after the first Mondays in February and August, and may continue in session two weeks; in the county of Jackson, on the fourth Mondays after the first Mondays in February and August, and may continue in session one

week; In the county of Lavaca, on the fifth Mondays after the first Mondays in February and August, and may continue in session two weeks; In the county of DeWitt, on the seventh Mondays after the first Mondays in February and August, and may continue in session two weeks; in the county of Gonzales, on the ninth Mondays after the first Mondays in February and August, and may continue in session until the business is disposed of.

Sec. 2. That the District Courts shall be held twice a year in each of the counties composing the fourteenth Judicial District, as follows, to wit: in the county of San Patricio, on the first Mondays in April and October, and may continue in session one week; in the county of Live Oak, on the first Mondays after the first Mondays in April and October, and may continue in session one week; in the county of Karnes, on the second Mondays after the first Mondays in April and October, and may continue in session two weeks; in the county of Goliad, on the fourth Mondays after the first Mondays in April and October, and may continue in session two weeks; in the county of Refugio, on the sixth Mondays after the first Mondays in April and October, and may continue in session two weeks; in the county of Nueces, on the eighth Mondays after the first Mondays of April and October, and may continue in session until the business is disposed of.

Sec. 3. That the provisions of all laws conflicting with this act, are hereby repealed, and that from and after the time this act takes effect, all process issuing from officers of District Clerks, of said counties, shall be made returnable in conformity with the provisions of this act.

Sec. 4. That this act shall take effect and be in force, from and after its passage.

Passed, July 24th, 1856.

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## CHAPTER LXXXVIII.

An Act to define more particularly the Eastern Boundary line of Bastrop county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Eastern Boundary line of Bastrop county shall commence at the south-east corner of a league and labor survey made for John Vashney; thence to the south-east corner of a third of a league survey, the headright of Thomas

Rinds; thence with the north-eastern boundary line of said Rind's survey, to the south-east corner of Joseph Martin's survey; thence with the north-eastern boundary line of said Martin's survey and in the same direction with a survey made for E. Harris and Isaac Carsnier, to the north-east corner of said Carsnier's surveys, on the line of Travis county.

Sec. 2. That the county surveyor of Bastrop county be, and he is hereby authorized to run and mark the line herein above described, and that this act take effect and be in force, from and after its passage.

Approved, July 28th, 1856.

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#### CHAPTER LXXXIX.

An Act to extend the intercourse laws of the United States for the prevention of the introduction or sale of Wines and Spirituous Liquors, within ten miles of the Indian Reserves, in the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the intercourse laws of the United States for preventing the introduction, giving or sale of Wines or Spirituous liquors to Indians within the Indian country, be extended for a distance of ten miles from the boundary line of the Indian reserves, in this State, upon which Indians have been or may hereafter be settled by the United States Indian Agents; and may continue in force so long as such reserves are kept for Indian purposes.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved, July 28th, 1856.

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#### CHAPTER XC.

An Act supplementary to an act entitled An Act to change the time of holding Court in the 10th and 14th Judicial Districts.

Section 1. Be it enacted by the Legislature of the State of Texas, That so much of the above entitled act as requires the District Court to be held in the county of Calhoun, on the first Monday of August, and in the county of Victoria, on the second Monday after the first Monday of August, shall not take effect until the first of January, 1857; and that the Fall Term of said Court, 1856, shall be held in Victoria county on

the second Monday of November, and may continue in session two weeks. And the Fall Term, 1856, of said Court, for the county of Calhoun, shall be held on the first Monday of December, and may continue in session until the business is finished. And that all process returned to these Courts, at any other time shall be returnable at the time fixed by this act.

Sec. 2. That in case of epidemic, or other cause deemed sufficient, the District Court for Calhoun county may be adjourned by the Judge thereof to a special term: provided, that said special term shall, in no case, interfere with the regular term of the District Court of any other county in the Tenth Judicial District.

Sec. 3. That this act shall take effect and be in force from and after its passage.

Approved July 29th, 1856.

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#### CHAPTER XCI.

An Act Supplemental to An Act entitled "An Act to fix the salaries of the Judges of the Supreme Court and District Courts," approved 2nd February, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the act entitled "An Act to fix the salaries of the Judges of the Supreme and District Courts," approved 2nd February, 1856, shall take effect and be in force immediately, and that this act take effect and be in force from and after its passage.

Approved, July 29th, 1856.

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#### CHAPTER XCII.

An Act to encourage the improvement of the Navigation of the Rivers and other Navigable Waters in Texas, by making appropriations for the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of three hundred thousand dollars be, and the same is hereby appropriated, and set apart as a special fund for the improvement of the navigable rivers, bayous, lakes and bays, of Texas, and that the Governor is hereby authorized to draw from the Treasury said fund for the use and benefit of said rivers, bayous, lakes and bays, as herein-

after provided in this act; and to report to the Legislature, at each and every session thereof, his acts and proceedings relative to said fund.

Sec. 2. That any navigable river, bayou, lake or bay, for the improvement of which any specified amount, not less than one thousand dollars, may be raised by private subscription, or other contribution or appropriation, except by the State, shall be entitled to receive, from said fund, four times the amount of said sum so raised and contributed, provided no one river, bayou, lake or bay shall be entitled, under the provisions of this act, to more than fifty thousand dollars of said fund, and provided further, that said sums so contributed by the State and private subscription, and appropriation, shall be expended for the improvement of the navigation of such rivers, bayous, lakes and bays, by the removal of all serious obstacles from the mouth up, or on such portion as shall be specially designated on said subscription.

Sec. 3. That whenever the citizens interested in the improvement of any navigable river, bayou, lake or bay, may desire to secure the benefits of this act to said river, bayou, lake or bay, they shall have the power, in public meeting, to appoint some good and responsible person as Collector and Treasurer, who shall be authorized to take up a subscription for the benefit of said river, bayou, lake, or bay, which subscription must specify for what river, bayou, lake or bay, it is taken. And no subscription shall be received by said Collector and Treasurer, unless at least five per cent. of said subscription is paid in actual cash. That said Collector and Treasurer, before entering upon the duties of his office, shall enter into a bond, with good and sufficient security, in the sum of twenty thousand dollars, payable to the Governor, and his successors in office, for the faithful discharge of the duties of his office, which bond shall be approved by the Governor, and filed with the Secretary of State, and may be sued upon as other bonds. That said Collector and Treasurer shall be entitled to five per cent. on the amount received, and five per cent. on the amount disbursed by him, as hereafter required to be subscribed and raised independent of the amount raised for said rivers, bayous, lakes or bays; and shall be authorized to sue and recover, in his own name, for the benefit of said river, bayou, lake or bay, any amount subscribed for the improvement of the same, as in other cases in law and equity; and shall have the power to call upon said subscribers, at any time.

for installments on said subscription, provided no more than twenty per cent. of said subscription shall be required every sixty days.

Sec. 4. That said Collector and Treasurer shall be required to report quarterly, to the Governor, all accounts collected and disbursed by him, together with a copy of his subscription lists, and all his acts and accounts connected with said business, and shall also be required to keep an accurate record of the same, in a book to be kept for that purpose.

Sec. 5. There shall be elected, by the Legislature on joint ballot, a State Engineer and Superintendent, who shall receive an annual salary of three thousand dollars, payable quarterly. And said Engineer and Superintendent shall, before entering upon the duties of his office, enter into a bond, with good and sufficient security, in the sum of ten thousand dollars, payable to the Governor of the State, and his successors in office, for the faithful discharge of the duties which may be assigned him, and with such other conditions as may be prescribed by the Governor, which bond shall be approved by the Governor, and filed with the Secretary of the State, and may be sued upon as other like bonds.

And said Engineer and Superintendent shall also take and subscribe the following oath, before any officer legally authorized to administer the same:—"I do solemnly swear (or affirm, as the case may be) that I will well and truly discharge all the duties required of me as State Engineer and Superintendent." And whenever, in the opinion of the Governor, the State Engineer and Superintendent cannot perform the duties required of him, under this act, consistently with his performance of other duties, the Governor may appoint some competent person to superintend the work upon any river, bayou, lake or bay, designated by the Governor, who shall give bond and take an oath of office in the same manner as is required of the State Engineer and Superintendent, and shall receive a compensation of five dollars per day, during the time he is employed in actual service.

Sec. 6. That when the Governor shall be notified that a Collector and Treasurer has been appointed and qualified as, provided by this Act, and that he has raised a subscription of bona-fide solvent subscribers for as much as the sum of one thousand dollars for one or more Rivers, Bayous, Lakes or Bays, and that five per cent. of said subscription has been paid in cash; then said Engineer and Superintendent, shall sur-



vey, explore, and lay off the work to be done on said River, Bayou, Lake or Bay, in sections of convenient length, and shall form estimates of the work, and let out the same to the lowest bidder at such time and place as shall be fixed upon by him, and shall enter into written contracts with said contractors, fully specifying the nature of the work to be done, and the time in which the same is to be completed. And said contractors shall enter into bond with securities, to be approved by said Engineer and Superintendent in double the amount of his bid, for the faithful performance of his contract, which bond shall be made payable to the Governor, and may be sued upon and collected as other like bonds. Said Engineer and Superintendent, shall superintend the work, and see that it is done in conformity with the contract, and shall make full and accurate examinations of the same, and shall report quarterly to the Governor all his proceedings and transactions relative to the same, and the condition and progress of all the works of which he is Superintendent. And said Engineer and Superintendent shall not be directly or indirectly interested in any bid or contract whatever, for the improvement of said Rivers, Bayous, Lakes or Bays.

Sec. 7. Said Engineer and Superintendent shall, after, or at the time of, making his quarterly report to the Governor, draw drafts on the Collector and Treasurer for said River, Bayou, Lake or Bay, and also on the Treasurer of the State, in favor of the Contractor or Contractors for such work as they may find upon examination to be entitled to. Provided, That in no case shall he draw for more than three-fourths of the work actually done and performed, until the entire contract shall be completed—and further provided, that he shall not draw said drafts, upon the Treasurer of the State until corresponding drafts of one-fifth of the amount have been paid by the Collector and Treasurer for said River, Bayou, Lake or Bay; and the Governor, when satisfied that said corresponding amount has been paid out of the private subscription, shall countersign the drafts so drawn upon the Treasurer, upon which payment shall be made out of said fund, and no payment shall be made upon said drafts upon the Treasurer, until the same are countersigned by the Governor.

Sec. 8. That any sum of money, which may be appropriated by the State of Louisiana, for the improvement of the navigation of the Sabine River, shall authorize the Engineer to draw on the Treasurer of this State for the same amount

of money, which sum so drawn, shall be appropriated to the improvement of said river, under the provisions of this act; and a certified copy of an act of the State of Louisiana, making such appropriation, shall be sufficient evidence that the appropriation has been made. Provided, the sum drawn from the Treasury of this State shall not exceed fifteen thousand dollars under this provision. And should the State of Arkansas appropriate any sum of money for the improvement of the navigation of Red River, or any amount be raised in the Choctaw Nation for the same purpose, a like amount may be drawn from the Treasury of the State, and used for the improvement of the navigation of Red River above the Northeast corner of the State, under the provisions of this act,—provided, the same shall not exceed fifteen thousand dollars. And should the Republic of Mexico, or any of its States bordering on the Rio Grande, appropriate any amount for the improvement of the navigation of the Rio Grande, then a like amount for the same purpose may be drawn from the Treasury of this State,—provided, the same shall not exceed fifteen thousand dollars. But no part of said appropriations shall be drawn from the Treasury, under the 8th section of this act, until corresponding appropriations of said adjoining States and Republic have been actually expended upon said streams, and good and satisfactory evidence shall be shown to the Governor of said expenditure.

Sec. 9. That money may be raised in the same manner as provided for in this act for the construction of any canal between any two navigable points, and any canal for the construction of which any amount may be so raised by private subscription or appropriation, shall be entitled and subject to all the benefits and provisions of this act,—provided, that no money shall be drawn from the Treasury for the benefit of any such canal, until satisfactory evidence has been shown to the Governor, together with the report of a competent engineer, that the amount raised by private subscription, together with the amount to which said private subscription shall entitle it from the State Treasury, will be amply sufficient to construct and complete said canal so far as to connect two navigable points, with a good navigable channel, and provided that no canal, or any river, bayou, lake or bay, receiving the benefits of the provisions of this act, shall, at any time, receive or collect tolls for the navigation of the same. And that this act take effect and be in force from and after its passage.

Passed, August 1st, 1856.

## CHAPTER XCIII.

An Act to ascertain the legal claims for money and lands against the State.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be elected, by a Joint vote of the Legislature, a Commissioner of Claims, who shall hold his office until the first day of January, A. D. 1858, and until his successor shall be duly elected and qualified. He shall keep his office at the city of Austin, and shall receive an annual salary of two thousand two hundred and fifty dollars.

Before he enters upon the discharge of the duties of his office, he shall enter into bond, with two or more good and sufficient sureties, in the sum of twenty thousand dollars, made payable to the Governor of the State of Texas, and his successors in office, conditioned that he will well and truly discharge all the duties that may be required of him by law, which bond shall be approved by the Governor, and by him filed in the office of the Secretary of State; he shall be allowed one Clerk, to be appointed by him, who shall receive an annual salary of one thousand dollars; if, from any cause, a vacancy shall occur in said office of Commissioner of Claims during the recess of the Legislature, the Governor shall fill it by appointment, which shall continue in force until the expiration of ten days from the first meeting of the Legislature thereafter.

Sec. 2. All land certificates of every description, except headright certificates of the first and second class, which have been returned as genuine and legal, by the Commissioners appointed under an act "to detect fraudulent land certificates, and to provide for the issuing patents to legal claimants," approved 29th January, 1840; and certificates issued under some special act of Congress of the Republic of Texas, or of the Legislature of this State, and certificates to the colonists of Peters' Colony; Mercer's Colony; Castro's Colony; Fisher and Miller's Colony, and the colonists of the German Emigration Company; and certificates issued for premium lands in said colonies, and certificates issued to companies incorporated under the laws of this State, for the purposes of internal improvement, and to persons for building vessels, under the provisions of the act of February the third, 1854, entitled "An Act to encourage the building of steamboats, steamships and other vessels in the

State of Texas," and certificates for unlocated balances heretofore issued, and pre-emption certificates, shall be presented to said Commissioner of Claims for registry, within two years from and after the first day of September, one thousand eight hundred and fifty-six, or they shall be forever barred from location, survey and patent. And any such certificates which have been entered, located, or surveyed and filed in any Districts Surveyor's office, or returned to the General Land Office, may be withdrawn from said office for the purpose of being presented to said Commissioner of Claims, without, in any manner, affecting or vitiating said entry, location, or survey.

Sec. 3. It shall be the duty of said Commissioner of Claims, to keep a register of every certificate presented to him under the provisions of the next preceding section, stating its number and date, by whom, and to whom, it was issued, the quantity of land it calls for, whether it is a bounty, donation, or headright certificate. If it is a bounty, or donation certificate, he shall state for what service it was issued. If it is a headright certificate, he shall state whether it is a conditional or an unconditional one, and of what class. If it was issued to an assignee, he shall state the name of the assignor and assignee; he shall also state by whom it was presented, and who is represented to be the owner of it at the time; he shall also write across the face of each certificate, the word "registered," and sign his name, with the date of its registry.

Sec. 4. It shall be the duty of the Commissioner of the General Land Office, as early as practicable after the passage of this act, to furnish said Commissioner of Claims with a register of every land certificate that has been returned to his office, except headright certificates of the first and second class, which have been returned as genuine and legal claims, by the Commissioner appointed under "An Act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants," approved 29th January, 1840, and certificates issued under some special act of the Congress of the Republic of Texas, or of the Legislature of this State, and certificates issued to colonists of Peters' Colony; Mercer's Colony; Castro's Colony; Fisher and Miller's Colony; and the colonists of the German Emigration Company, and certificates issued for premium lands in said colonies, and certificates issued to companies incorporated under the laws of this State, for purposes of internal improvements, and to persons for building vessels, under the provisions of an act of February

3d, 1854, entitled "An Act to encourage the building of steamboats, steamships, and other vessels in the State of Texas," and certificates for unlocated balances heretofore issued,—which register shall state the number, and date of each certificate, by whom and to whom issued,—the quantity of Land called for, whether it is bounty, donation, or headright certificate. If it is a bounty, or donation certificate, it shall state for what service it was issued—if it is a headright certificate, it shall state whether it is a conditional or an unconditional one, and of what class. If it was issued to an assignee, it shall state the name of the assignor and assignee, and afterwards he shall furnish each week, to said Commissioner of Claims, a similar register of all certificates of the above description, which have been returned during the previous week, and which had not been previously registered by the Commissioner of Claims.

Sec. 5. It shall be the duty of the Commissioner of the General Land Office, to make out, and retain in his office, certified copies of all the reports which have heretofore been made, or may hereafter be made, to his office, by the Clerks of the Boards of Land Commissioners, and of the District and County Courts of the several counties of the Republic and the State of Texas, and to transfer the original reports to the Commissioner of Claims; and also a certified list of all the certificates issued under the provisions of an Act for the relief of the heirs of those who fell with Fannin, Ward, Travis, Grant, and Johnson, during the war with Mexico, in the years 1835 and 1836, approved February 9th, 1850, to the office of the Commissioner of Claims, immediately after he shall have entered upon his duties; and the said certified list of certificates shall have the same force and effect in the office of said Commissioner of Claims, as if it was an original record of his office.

After the said Commissioner of Claims shall have entered upon the discharge of his duties, the Commissioner of the General Land Office shall not issue a patent upon any land certificate, except headright certificates of the first and second class, which have been returned as genuine and legal by the Commissioners appointed under the provisions of "An Act to detect fraudulent land certificates, and to provide for the issuing of patents to legal claimants," approved 29th January, 1840, and certificates issued under some special act of the Congress of the Republic of Texas, or of the Legislature of this State, and certifi-

cates issued to colonists of Peter's Colony; Mercer's Colony; Castro's Colony; Fisher and Miller's Colony; and the colonists of the German Emigration Company; and certificates issued for premium lands in said colonies, and certificates issued to companies incorporated under the laws of this State, for the purposes of internal improvements, and to persons for building vessels under the provisions of the act of February 3rd, 1854, entitled "An Act to encourage the building of steamboats, steamships, and other vessels in the State of Texas, and certificates for unlocated balances heretofore issued, and pre-emption certificates, until it shall have been presented to and approved by the Commissioner of Claims.

Sec. 6. Whenever a land certificate is presented to the said Commissioner of Claims for his approval, under the provisions of the next preceding section, he shall register it as directed by the third section of this act, if it has not already been registered, and if it is a headright certificate, he shall compare it with the report of the Clerk of the Board of Land Commissioners, or of the Court by which it purports to have been issued, and if satisfied that it is a genuine certificate, he shall write across the face of it the word "approved," with the date of its approval, and sign his name thereto. If, however, such certificate was issued to an assignee, and he shall have reason to believe the assignment thereof was forged, he shall withhold his approval until the assignment is proved to be genuine by the evidence of, at least, two credible witnesses, in open Court, or by depositions taken before any officer in this State using a seal, and until the identity and residence of the parties, and witnesses to such assignment is proved in the same manner. If such certificate is a bounty, or donation certificate, and he has in his office any record, or paper, showing it to be a genuine one, or if the evidence of at least two credible witnesses taken as above, is produced to him that it is a genuine one, he shall file such evidence, and shall write across the face of the certificate the word "approved," with the date of its approval, and sign his name thereto: Provided, however, that he shall withhold his approval from any bounty, or donation certificate, issued to an assignee since the 24th day of November, 1851, until the genuineness of the assignment, and the identity and residence of the parties and witnesses thereto, shall be proved by the testimony of, at least, two credible witnesses, in the manner herein prescribed: and should the Commissioner of Claims, upon said investigation and examination of any such

bounty or donation, headright or other certificate, issued to an assignee, be satisfied that the original assignor was entitled to said certificate, and no satisfactory evidence of the genuineness of the assignment shall be presented, he shall endorse said certificate "approved for the benefit of the original assignor," giving his name, and in all such cases the patents upon said certificates shall issue in the name of said original assignor, and be retained in the office of the Commissioner until the rightful owner thereof shall be shown. In all cases where certificates shall be approved under the provisions of this section, the said Commissioner shall note the approval, with the date thereof, in the margin of his register, opposite to the entry of the certificate; and any individual holding a headright certificate which may be rejected, or refused to be approved by said Commissioner of Claims, shall have the right within twelve months from the time of such rejection, to bring suit in the District Court of the county in which said certificate issued, for the establishment of the same; which suit shall be brought and conducted in the manner prescribed for the establishment of certificates not recommended by the act of February 4th, 1841, entitled "An Act supplementary to an act to detect fraudulent land certificates and to provide for the issuing patents to legal claimants."

Sec. 7. Any person entitled to a headright, or bounty, or donation land, under the colonization laws of Coahuila and Texas, or the Constitution and laws of the Republic or State of Texas, who has not heretofore received a patent, or certificate therefor, or his heirs, in case he be dead, may apply to the said Commissioner of Claims, and obtain a certificate for such land, in all cases where he or they, prove their right by such evidence as would have authorized the issuance of such certificate by any officer or officers of the Republic or State of Texas, under the laws in force at any time previous to the first day of November, A. D. 1853, and shall also prove his or their identity and residence by the testimony of, at least, two credible witnesses, in the manner herein prescribed: Provided, however, that no certificate shall issue to an assignee under the provisions of this section; and provided, also, that this section shall not apply to the claims of those persons who fell with Fannin, Ward, Travis, Grant and Johnson, in 1835 and 1836, which are otherwise hereinafter provided for.

Sec. 8. In cases where persons described in the next preceding section, shall not be able to prove their right before the

Commissioner, by such evidence as would have authorized the issuance of such a certificate by any officer, or officers, of the Republic or State of Texas, under the provisions of the laws in force at any time previous to the first day of November, A. D. 1853, they may present their application to said Commissioner, with the best evidence it is in their power to produce in regard to their right to the land for which they apply, together with proof of their identity and residence, by the testimony of, at least, two credible witnesses, and it shall be the duty of said Commissioner to report to the Legislature, for its action, as often as it may meet, a list of all such applications, with the evidence in support thereof, and his opinion in regard thereto. All such claims for land, not presented within two years after the passage of this act, shall be forever barred.

Sec. 9. The Commissioner of the General Land Office shall, as early as practicable after the passage of this act, furnish to said Commissioner of Claims, certified copies of those copies of the muster rolls of the several companies that were under the command of Fannin and Ward, and also of those copies of the lists of the names of those who fell in the Alamo, with Travis and with Grant, and under the command of Johnson, during the war with Mexico, in the year 1836, which were furnished by the Adjutant General to the Commissioner of the General Land Office, under the provisions of an act for the relief of the heirs of those who fell with Fannin, Ward, Travis, Grant and Johnson, during the war with Mexico, in the years 1835 and 1836, approved February 9th, 1850; which copies, when furnished, shall have the same force and effect in the office of said Commissioner of Claims, as if they were original records in his office. And the said Commissioner of Claims shall hereafter perform all the duties of the Adjutant General under the provisions of said recited act; provided, however, that no certificate shall hereafter be issued under the provisions of said act, unless the applicant shall prove his identity, and residence by the testimony of, at least, two credible witnesses, in the manner herein prescribed; and provided, also, that no certificate shall be issued in the name of an assignee under said act.

Sec. 10. The said Commissioners of Claims shall hereafter perform all the duties required of the Commissioner of the General Land Office, under the provisions of an act to provide for the liquidation of the public debt of the Republic of Texas, approved February 11th, 1850.



Sec. 11. The Commissioner of Claims shall also perform all the duties required of the Commissioner of the General Land Office, under the provisions of an act authorizing the issuing of duplicates, land warrants, discharges, and certificates for head-right claims upon certain conditions, approved 14th January, 1840, and also under the provisions of an act to amend the 1st Sec. of an act approved 14th Jan., 1840, entitled An Act authorising the issuing duplicate land warrants, discharges and certificates for head-right claims upon certain conditions, approved May 11th, 1846. He shall be authorized to issue duplicate, bounty and donation certificates, in the same manner that the Secretary of war, or Adjutant General could have done at any time heretofore: Provided, the applicant for a duplicate shall comply with all the requisites prescribed in said two acts, and shall also prove by the testimony of at least two credible witnesses or record evidence, that the original certificate which is said to have been lost or destroyed, did, in fact, issue; and shall also prove that the original has not been returned to the General Land Office, and shall also prove his identity and residence by the same number of witnesses; and provided also, that if the original certificate was issued to an assignee, the assignment and the identity and residence of the parties and witnesses thereto, shall be proved in the same manner.

Sec. 12. Whenever any person shall desire to procure a certificate for an unlocated balance, of any certificate upon which a patent has issued, he may procure from the Commissioner of the General Land Office, a certificate showing that he is entitled to such unlocated balance, and also fully describing the original certificate, and how much thereof has been patented, and upon the presentation thereof to said Commissioner of claims, he shall record it, and issue a new certificate, for such unlocated balance. Such new certificate shall be countersigned by the Commissioner of the General Land Office, and may then be located, surveyed and patented as other genuine certificates. The Commissioner of claims shall keep a descriptive register of all such new certificates issued by him.

Sec. 13. Whenever a certificate shall be presented to the Commissioner of Claims for registry only, and he shall have reason to believe that it was improperly issued, from any cause, he shall, after registering it, write his belief across the face of it, with the date and his signature, before returning it; and also, whenever a certificate shall be presented to him for his approval, and he shall fail to approve it for any cause,

he shall write across the face of it the reason why he fails to approve it, with the date and his signature.

Sec. 14. The Governor shall be, and he his hereby authorized to appoint three discreet persons, with powers to examine the records of any of the Boards of Land Commissioners, and of the District and County Courts of any county in this State, and to examine persons in regard to the manner in which such records have been kept, and make a full report of their proceedings whenever in his opinion the public interest will be subserved by such examination, and the persons so appointed shall be entitled to receive from the State the sum of three dollars each, for every day they may be necessarily employed under their appointments.

Sec. 15. It shall be the duty of the Commissioner of Claims, to procure all duplicates and copies of muster rolls of the companies that have heretofore served in the Republic or State of Texas, with such evidence in regard to their authenticity, as can be obtained, and file the same in his office, for the purpose of aiding him in detecting frauds that have heretofore been practiced upon the Government, or that hereafter may be attempted.

Sec. 16. All oral evidence submitted to said Commissioner of Claims, shall be reduced to writing, and signed by the party giving it, and shall then be sworn to before said Commissioner, or his clerk, who shall be authorized to administer oaths in all cases required in the discharge of the duties of their office, and all such evidence, and all other testimony issued before said Commissioner, shall be filed and preserved by him.

Sec. 17. That said Commissioner of Claims shall report weekly to the Commissioner of the General Land Office, a descriptive list of all certificates which he has issued and approved for the week previous, and he shall annually make a report on the first day of October, to the Governor, of the number and description of certificates that he has issued and approved for the year previous.

Sec. 18. He shall demand and receive a fee of one dollar for each duplicate certificate and for each certificate for an unlocated balance, and for each certificate to a Railroad Company, and for each certificate, as a reward or bonus for the building of a steamboat, steamship, or other vessel, that he may issue. He shall also demand and receive a fee of five dollars for each certificate for one league and labor; three dollars for each certificate of twelve hundred and eighty acres, or over

that amount, and less than one league and labor, and two dollars for each certificate for less than twelve hundred and eighty acres, that he may issue as head-rights, and no fee shall be demanded for any original bounty or donation certificate. He shall enter all such fees, and by whom paid, in a book, to be kept for that purpose, and shall account for and pay over all such fees quarterly, to the State Treasurer.

Sec. 19. He shall procure a seal for the authentication of all instruments of writing emanating from his office, which shall have a star of five points in the center, and the words "Commissioner of Claims, Texas," around the star.

Sec. 20. The several clerks of the District and County Courts of this State, shall, hereafter, report to the said Commissioner of Claims, all certificates for land obtained from their courts, in the same manner that they were heretofore required to report them to the Commissioner of the General Land Office.

Sec. 21. The said Commissioner of Claims shall, hereafter, issue all land certificates to Rail Road Companies, which the Commissioner of the General Land Office is authorized or required to issue under any law of the State; and also all land certificates that the Commissioner of the General Land Office is authorized or required to issue under the provisions of an act, to encourage the building of steamboats, steamships, and other vessels in the State of Texas, approved 3d February, 1854, and all applications for such certificates shall, hereafter, be presented to said Commissioner of Claims, in the same manner as they were heretofore required to be presented to the Commissioner of the General Land Office, and the said Commissioner of Claims shall issue all such certificates in like manner, and under like restrictions as the Commissioner of the General Land Office, was heretofore required to issue them.

Sec. 22. The list of persons composing the regiment under the command of Edward Burleson, at the Battle of San Jacinto, which is now in the possession of the Governor of this State, together with the affidavit of Captain Jesse Billingsley, attached thereto, proving its authenticity, and also the manuscript book, now in possession of the Governor, purporting to contain copies of certain muster rolls that were heretofore in the Adjutant General's Office, shall be deposited in the office of the said Commissioner of Claims, and may be used by him as evidence upon which to approve bounty, and donation certificates heretofore issued by the Adjutant General of this

State, and by the Secretary of War of the late Republic of Texas.

Sec. 23. The said Commissioner of Claims shall not act as the agent of any person for the prosecution of a claim of any description against the Republic or State of Texas; nor as the agent of any person in locating lands or procuring patents for lands; nor as the agent for any person in or about the registry; approval, or issuance of any land certificate whatever; nor shall he hereafter purchase any interest in any claim for land or money against the Republic or State of Texas; and if he shall violate any of the provisions of this section, he shall, on conviction therefor, be fined in a sum not less than two thousand dollars, and shall thereafter be ineligible to hold any office in this State.

Sec. 24. That said Commissioner of Claims shall also perform all the duties imposed upon the Auditor, by the provisions of "An Act to provide for ascertaining the debt of the late Republic of Texas," approved March 20th, 1848, in the same manner, and under like restrictions; and every person having a claim against the Republic of Texas, for services, or supplies furnished the government or the army, or for property taken for the use of the government, or the army, shall present the same to the Commissioner of Claims, and Comptroller of Public Accounts, on or before the first day of January, 1858, or the same shall be forever barred.

Sec. 25. When any claim is presented to said officers, under the provisions of the next preceding section, if the party shall produce to said officers such vouchers, and proof in support thereof, as would **have permitted it to be audited under the laws of the Republic of Texas,** they shall jointly receipt for the same, under their hands and seals of office, setting forth the par value thereof, at the time accrued, the name of the person to whom it accrued, and the date and amount thereof; and such receipts shall be paid by the State Treasurer, whenever an appropriation shall be made therefor.

Sec. 26. Every person who shall present a claim to the said Commissioner and Comptroller, under the provisions of this act, shall prove his identity and residence, by the testimony of, at least, two credible witnesses, in the manner herein prescribed; and if the applicant be an assignee, he shall also prove the identity and residence of the parties and witnesses to the assignment, in the same manner.

Sec. 27. That all the books, papers, and archives, in and

belonging to the Auditor's office, shall be turned over to the Commissioner of Claims mentioned in this act, and become a part of the archives of his office.

Sec. 28. That "An Act supplementary to an act to provide for ascertaining the debt of the late Republic of Texas," approved March 20th, 1848, and so much of an act to fix the salaries of certain State officers, approved 11th February, 1854, as fixes the salary of Auditor at Fifteen Hundred Dollars, and an act to provide for closing the business of the late war and marine department, approved April 27th, 1846, and the second section of "An Act requiring the Commissioner of the General Land Office to issue patents upon unconditional headright certificates for land," approved May 12th, 1846, and "An Act to provide for the issuance of bounty, and donation land warrants, to persons entitled to the same," approved 31st January, 1854, and so much of "An Act to fix the salary of certain State Officers," approved 11th February, 1854, as places the salary of the Adjutant General at Twelve Hundred Dollars; shall be, and the same are hereby repealed; and all laws and parts of laws conflicting with the provisions of this act, be, and the same are hereby repealed; and this act take effect, and be in force, from and after its passage.

Passed August 1, 1856.

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#### CHAPTER XCIV.

An Act to punish persons for writing upon, defacing, or disfiguring the walls of the public buildings of the State.

Section 1. Be it enacted by the Legislature of the State of Texas, That any person or persons who may write, scratch upon, in any manner deface or disfigure the walls of the State Capitol, or any other public buildings belonging to the State, either inside or outside of the same, or of any of the rooms, halls, steps, columns, banisters, galleries, doors or other appurtenances in any manner belonging or pertaining to the same, shall be deemed guilty of a misdemeanor and subject to a fine of not exceeding fifty nor less than five dollars.

Sec. 2. That the Mayor of the city of Austin, or any Justice of the Peace in said city, shall have and exercise jurisdiction in all offences under the first section of this act, and that whenever information shall be given to said Mayor or

Justice of the Peace that an offence has been committed within the meaning of this act, he shall issue his warrant directed to any Marshal or Constable of said city or beat, commanding the arrest of said offender or offenders.

Sec. 3. That whenever any person or persons shall be found guilty of any offence under this act, and shall fail to pay the fine and costs adjudged against him or them, then and in that case, said Mayor or Justice of the Peace, before whom said offender shall be tried, shall have the power of imprisoning said person or persons so found guilty, in the county or city jail until the fine and costs of prosecution be paid. Provided said imprisonment shall not exceed forty days. And that in all prosecutions under this act, the said Mayor, Justice of the Peace, Marshal or Constable shall be allowed the same fees as are by law allowed in prosecutions for misdemeanors, in the District Court, said fees in all cases to be taxed against the defendant. And all fines collected under this act shall be paid by said Mayor or Justice of the Peace into the Treasury of the city of Austin, for the use and benefit of said city.

Sec. 4. That this act take effect and be in force from and after its passage.

Approved August 1st, 1856.

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## CHAPTER XCV.

An Act to locate permanently the County Seat of Newton county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the town of Newton, in the county of Newton, be, and the same is hereby declared to be the permanent County Seat of Justice of said county, and all laws and parts of laws conflicting with the provisions of this act, be and the same are hereby repealed. Provided that nothing in this act shall be so construed as to prevent the citizens of Newton county from removing or selecting the County Seat under the provisions of an act entitled "An Act providing for the removal of County Seats of Justice," approved May 9th, 1838.

Sec. 2. That this act take effect from and after its passage.

Approved August 1st, 1856.

## CHAPTER XCVI.

An Act making an appropriation for the per diem pay and mileage of the members of the sixth Legislature, and the per diem pay of the officers of the same at the adjourned session thereof, which commenced on the 7th day of July, A. D. 1856.

Section 1, Be it enacted by the Legislature of the State of Texas, That the members of the adjourned session of the sixth legislature, shall be entitled to mileage at the same rate that members are entitled by law, to receive at the regular session of the Legislature, and that the sum of fifty thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any monies in the Treasury not otherwise appropriated, for the per diem pay and mileage of the members, and the per diem pay of the officers of the sixth Legislature of the State of Texas, at the adjourned session thereof, which commenced on the seventh day of July, A. D., 1856, and that the certificate of the Secretary of the Senate and the Chief Clerk of the House of Representatives shall be authority for the Comptroller to draw on the Treasurer for the several amounts that the members and officers are respectively entitled to.

Sec. 2, That this act take effect and be in force from and after its passage.

Vetoed by the Governor and passed by a constitutional majority, August 4th, 1856.

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CHAPTER XCVII.

An Act making an appropriation for compensation for arms lost by the Georgia Battalion at the massacre of Goliad.

Section 1, Be it enacted by the Legislature of the State of Texas, That the sum of three thousand dollars or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury, not otherwise appropriated, for the purpose of paying for arms lost by the Georgia battalion at the massacre of Goliad.

Sec. 2, That the Governor of the State of Texas is hereby required to ascertain from the Governor of the State of Georgia, how much the State of Georgia demands of the State of

Texas, as due for said arms, and who is entitled to the same, and when the Governor of the State of Texas has ascertained how much there is due for said arms, he shall draw on the Treasurer of the State in favor of the party found to be entitled to the same, for the amount ascertained to be due, and this act shall be in force from and after its passage.

Approved, August 6th, 1856.

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## CHAPTER XCVIII.

**An Act to create a new Land District out of the territory comprised within the County of Karnes.**

Section 1, Be it enacted by the Legislature of the State of Texas, That all that portion of the land district of Bexar, Goliad and San Patricio, comprised within the limits of the county of Karnes, be, and the same is hereby declared to be a separate Land District.

**Sec. 2.** That the Commissioner of the General Land Office shall cause to be made a map of said district, upon good drafting paper, embracing all the returned surveys of land situated in said District, up to the time of making the same map, which have been properly returned by the several District surveyors, and forward said map as soon as possible to the Chief Justice of Karnes County, who shall deliver the same to the surveyor of said District, subject to such amendments alterations and additions as future surveyors may make necessary.

**Sec. 3.** That the Chief Justice of Karnes county shall, as soon as he is satisfied that all the provisions of the law relative to the creation of new land districts, have been complied with, order an election for a District Surveyor of said District, and that this act take effect from and after its passage.

Passed August 7th, 1856.



## CHAPTER XCIX.

## An Act to locate permanently the County Seat of Justice of Angelina County.

Section 1, Be it enacted by the Legislature of the State of Texas, That the first Tuesday in November, A. D., 1856, be fixed as the day for holding an election in the county of Angelina, for the selection of a suitable and permanent location for the seat of Justice of said county, and it shall be the duty of the Chief Justice of Angelina county, to give public notice of said election and to give orders for the same, and to have them posted at the different precincts of said county, at least ten days previous to said election; and should an election not be holden on the day above mentioned, then said Chief Justice shall again advertise by posting up public notices as above for another election on such day as he may select, and that place which shall receive a majority or the highest number of votes, shall be the seat of Justice in said county, provided it shall be within five miles of the recognized centre of said county.

Sec. 2, That should there be unappropriated land within five miles of the centre of said county, and should a majority of the voters select the same as a suitable place for the location of said seat of Justice, then and in that case the State does hereby relinquish her right to, and does hereby donate to the said county of Angelina, six hundred and forty acres of land, which may be patented by the Commissioner upon the return of the field notes into his office, accompanied with satisfactory evidence that the said seat of justice has been located upon the same, in conformity with the provisions of this act.

Sec. 3, That it shall be the duty of the Chief Justice of said county to receive written proposals of donations by private individuals, of any lands lying within five miles of said centre, as inducements for said location, and that he shall make said propositions public, and have power to enforce that individual whose proposition has been accepted, and the seat of justice located on the proposed donation. to make and convey title to said county to all lands by him proposed to be donated; by suit in the District Court, commenced and conducted in the name of the said county of Angelina.

Sec. 4, That the election of said seat of Justice shall be con-

ducted as other elections, and the returns made to the Chief Justice within ten days after the election, who shall publish the result and declare the place receiving the majority or highest number of votes, to be the best legal seat for the county of Angelina.

Sec. 5, That Thomas Crawford, Calvin Jones, P. J. Cochrane, James L. Ewing, Dr. Manning, William Gann and Joseph Jones, four of whom shall constitute a quorum to do business, shall be, and they are hereby appointed Commissioners to lay out, sell and transfer lots, to superintend the location made and selected according to the provisions of this act, and to report to the Chief Justice whether or not the title to the land upon which said seat of justice has been located, has been made to the county by individuals, or by the State in accordance with the provisions of this act.

Sec. 6, That as soon as county buildings have been received by the Commissioners and reported to the Chief Justice, the Clerks of the District and County Courts, Sheriff and Surveyor, shall remove their offices and papers to the place selected as said seat of justice.

Sec. 7, That all laws, and parts of laws, conflicting with the provisions of this act, be, and they are hereby repealed, and that this act shall take effect and be in force from and after its passage.

Approved, August 11, 1856.

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## CHAPTER C.

An Act to authorize the County Court of McLennan County to levy a special tax for two years.

Section 1, Be it enacted by the Legislature of the State of Texas, That the County Court of McLennan county shall have power to levy a special tax for the purpose of building a Court House in said county, upon all the subjects of taxation in said county, on which a tax may be levied by the State or County, Provided, said tax shall not exceed in any one year double the amount of the tax levied by the State on such subjects of taxation; and provided also that such tax shall be apportioned in the same manner as the State Tax.

Sec. 2, That the special tax levied by virtue of this act, shall be assessed and collected by the Assessor and Collector

of the State Tax of said County, in the same manner as the State Tax, and shall be paid by him into the county treasury. Said Assessor and Collector shall have the same power to enforce the collection of such tax for said county as for the collection of taxes for the State, and shall receive the same compensation.

Sec. 3, That the revenue raised under the provisions of this act, shall be expended exclusively in building and furnishing a suitable Court House for said county, and that this act take effect and be in force from and after its passage.

Approved, August 11, 1856.

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## CHAPTER CI.

### An Act to provide an Office for the Court of Claims.

Section 1, Be it enacted by the Legislature of the State of Texas, That the Commissioner of Claims be, and he is hereby authorized to use two of the rooms in the basement story of the Capitol for the transaction of the business of his office. And that this act take effect from its passage.

Approved, August 11th, 1856.

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## CHAPTER CII.

An Act supplemental and amendatory of an act to authorize and require the County Court of the county of Brazoria to establish, discontinue and regulate public and private roads in said county, and to cause public roads and bridges to be constructed and kept in good repair. Approved January 28th, 1856.

Section 1, Be it enacted by the Legislature of the State of Texas, That the second section of the aforesaid act shall read as follows:

"Section 2, That the County Court shall divide the county into road precincts, and assign to each precinct as many surveyors as may be necessary. Every application for a new public road in said county, must be made by at least twelve householders in the precinct in which the road is desired, and must

specify the place of beginning, and the termination of the road proposed."

Section 21 of said act shall read—"That it shall be the duty of the County Court of said county, at their first regular term in every year, to appoint for each precinct surveyors of the public roads therein, who shall serve for one year and until others are appointed.

Section 28 of said act shall read—"That he shall cause them to be kept clear of obstructions of all kinds, of necessary width, and secure from falling of dead timber thereon; he shall cause such causeways, ditches and culverts to be made as shall seem necessary."

Section 40 of said act shall read—"That no surveyor during his time of service shall be required to serve on jury (juries), in any of the courts of the county, unless by his consent, nor shall he be required to pay a road poll tax."

Section 64 of said act shall read—"That the Assessor and Collector of the county shall assess and collect the road tax at the same time and under the same regulations and penalties prescribed by law, so far as they may be applicable for the assessment and collection of the county tax, and he shall give a bond unto the county for the faithful performance of his duties, in a sum double the amount of the tax assessed, and said bond shall correspond in its form and legal application and effects, to the bond required to be given by him to the county for the collection of the county tax, and this act shall take effect from and after its passage."

Approved, August 11th, 1856.

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### CHAPTER CIII.

An Act to provide for the investment of the Special School Fund in the bonds of Railroad Companies incorporated by the State.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor, Comptroller and Attorney General, shall ex-officio constitute a board of School Commissioners, whose duty it shall be to draw from the Treasury the Special School Fund created by the act of January 31st, 1854, entitled an act to establish a system of Schools, and such other amount as may hereafter be added to said fund, and invest the

same as provided in this act. And said board shall annually report to the Governor its acts and proceedings relative to the said School Fund, which shall be laid before the Legislature at each and every session thereof.

Sec. 2. That the five per cent. indemnity bonds belonging to said Special School Fund may, and shall be loaned to legally incorporated Railroad Companies in this State, at their current value, including premium; provided, said value shall not be less than par, otherwise at par, for the term of ten years from the date of said loans, at an interest of six per cent per annum, payable annually upon the terms and conditions specified in this act; provided, that one half of said fund shall be loaned to companies whose work lies east of the Trinity river, and the residue to companies whose works lie west of said river.

Sec. 3. Said Board of Commissioners, is hereby authorized to invest said funds by loaning to any such company which has been chartered for the purpose of building a railroad in this State, the sum of six thousand dollars per mile, for each and every mile of Railroad constructed as hereinafter provided. Said loans to be secured by the bonds of such company for said principal and interest, made and executed to the State of Texas, in the corporate name of such company, signed by the President and countersigned by the Secretary or Treasurer, under the seal of such company; which bond shall constitute a lien upon the road and charter rights of such company, including the road bed, right of way, grading, bridges, iron rails, equipments and masonry, and upon all the stock subscribed for in said companies, all the depots and depot stations, and all the property owned by such company, as necessary for its business. And the State of Texas, upon the execution of said bonds, and by virtue of the same, shall be invested with said lien or mortgage, for the payment of said bonds and the interest thereon, as the same becomes due, without the necessity of any deed, special contract or act of registration.

Sec. 4. Said Board of Commissioners shall loan said sum of six thousand dollars for every mile of road completed, to any such company as shall have completed in a good and substantial manner, and furnished ready for actual use a continuous section of twenty-five miles of the road of said company, and graded an additional consecutive section of twenty-five miles, ready for the cross ties and other superstructure; and the same amount per mile for every additional consecutive sec-

tion of ten miles, which shall be so completed and graded ready for the ties and other superstructure. And the same amount per mile for every section of ten miles which shall be so completed and furnished ready for use upon any railroad which shall be a continuation of, or connection with any other railroad running from any adjoining State or Territory in the State of Texas; provided, said road shall, together with such continuation or connection, be completed at least twenty-five miles in length; and provided, that before said loan is drawn upon any completed section of ten miles, an additional consecutive section of ten miles shall be graded ready for the ties and other superstructure.

Sec. 5. That upon the application of any such railroad company to said Board of Commissioners, for said loan, and its representations that section fourth of this act has been complied with, said Board of Commissioners shall appoint some competent Engineer, who shall, at the expense of the company, examine the road of said company, and make a full report upon the condition of the same, under oath, and shall report all matters pertaining to the business of said company, which he may deem useful to said Commissioners, in ascertaining the true condition of said road and company. And upon being fully satisfied that any section or sections of said road have been constructed and completed, as provided in the fourth section of this act, and that said section or sections are not subject to any lien whatever, other than such as may be created by this act, in favor of the State, said Board shall draw a warrant on the Treasury of the State, in the name of said company, against said Special School Fund, for such amount of said bonds as it may be entitled to under the provisions of this act, which warrant shall state on account of what work it is drawn, shall be signed by said Board of Commissioners and countersigned by the Governor, and delivered to the President or the duly authorized agent of said company.

Sec. 6. That upon the presentation of such warrant or warrants to the Treasury of the State, the amount of said indemnity bonds called for in the same, shall be delivered and transferred according to law, to the President or authorized agent of said company; his receipt taken therefor and the same charged to the Special School Fund.

Sec. 7. That before said Board shall deliver to said company said warrant or warrants upon the Treasury, it shall require said company to execute and deliver into the Treasury

the bonds of said company, for said loan or loans in sums of not more than one hundred and fifty thousand dollars, and not less than fifty thousand dollars each, payable to the State of Texas ten years after date, together with coupon bonds for the six per cent interest thereon, payable annually as above stated; which bonds shall be executed in the mode prescribed in the third section of this act, and shall be made payable at the office of the Treasurer of the State, and which shall be a lien in favor of the State as specified in the third section of this act, and shall have a priority over all other claims against said company. That in addition to the annual interest of six per cent, every company accepting any loan under the provision of this act, shall pay annually at the expiration of each year, from the date of the loan, the further sum of two per cent upon the amount of the loan, into the Treasury of the State, for the purpose of establishing a sinking fund, to be applied towards the payment of the loan at its maturity, and the amount so paid for the purpose of such Sinking Fund with their accumulations, shall be credited to such Railroad.

Sec. 8. And after the execution of said bonds upon said first section, or any subsequent constructed section, it shall not be lawful for said company to give, create or convey to any person or persons, or body corporate whatever, any lien, incumbrance or mortgage of any kind which shall have priority over, or come in conflict with the lien herein secured, and any such lien, incumbrance or mortgage, shall be null and void, as against said lien or mortgage, in favor of the State.

Sec. 9. That it shall be the duty of any such company as the interest becomes due upon said bonds, executed as aforesaid, to deposit the same in the Treasury of the State, which amount shall be credited to the Special School Fund, and shall be subject to the immediate appropriation for school purposes, as provided by law. And all railroad companies shall pay said interest so due by them, annually, on the first day of March, out of the first receipts arising from said road, independent of any expenses or other liabilities of said roads, and the coupon bonds of such companies so satisfied, shall be cancelled and delivered up.

Sec. 10. Whenever any of the bonds of said company for the principal loaned thereon, shall become due, said company shall deposit said sums so due, in the Treasury of the State,

and said bonds, when so paid, shall be cancelled and delivered up, and said principal sums so returned into the Treasury, shall be credited to the Special School Fund, and subject to reinvestment by said board as provided in this act.

Sec. 11. That if any such company shall fail or refuse to pay said principal or interest bonds from time to time, as the same shall become due, the road of said company, together with all the rights and property of said company, specified in section third of this act, shall be sold or caused to be sold by the Governor of the State, for the satisfaction of said bonds so due, as well as the bonds of said company, which may have been given under this act to the State, and the whole of said bonds shall be deemed due if said sale takes place, and the proceeds of such sales shall be deposited in the Treasury and credited to the Special School Fund.

Sec. 12. That upon the failure of any such company to pay said principal or interest bonds, as required in this act, it shall be the duty of the Governor, after the expiration of thirty days, to cause notice of the sale of such road to be advertised in some newspaper published at the seat of government, for the term of three months. And after due notice has been given, shall cause the entire road, together with all the rights and property of said company, specified in the third section of this act, to be sold at public auction to the highest bidder for cash, at the door of the Capitol of the State, and at the time specified in said advertisement; provided, that if the principal or interest bonds which may have become due before the giving of said notice, and all cost attending said proceedings shall be paid before the day of sale, then said proceedings for sale shall be stopped.

Sec. 13. In the event of any sale of any railroad under the provisions of this act, it shall be the duty of the Governor, either in person or by agent, to attend such sale and protect the interest of the Special School Fund, and shall, if necessary to protect said interest, buy in said road with all the rights and property belonging to said company, in the name of the Board of School Commissioners; provided, he shall not bid more than the amount of the bonds of said company with the interest due thereon, and the cost and expenses attending said sales. And in the event of any such purchase in the name of the Board of School Commissioners, the Governor shall appoint a receiver, who shall be required to enter



into such bonds as may be required by the Governor, and whose duty it shall be to take immediate possession of and to control and manage said road, under direction of the Governor, until otherwise disposed of by law, the said Board of School Commissioners shall retain in the Treasury of the State, charged to the credit of the School Fund, five per cent of the United States bonds, of all sums loaned, as provided in this act, as a sinking fund, to be used for the "pro rata" appropriation annually due to the several counties for school purposes, in the event of the interest due to the School Fund after the sale of any railroad, shall not be paid by said road.

Sec. 14. The State of Texas expressly reserves the right to enact hereafter all such laws as may be deemed necessary to protect the interest of the Special School Fund, in securing the payment of said bonds and in enforcing the lien reserved thereon.

Sec. 15. That the provisions of this act shall not extend to any railroad company which may be entitled to receive from the State a larger grant of land than sixteen sections of six hundred and forty acres to the mile, for the construction of such road, nor to any road for more than a single trunk, with the necessary turn outs, nor to any branch road, nor to any road which shall not be commenced and prosecuted as required by the provisions of its charter. Provided, that no company shall be entitled to a loan under this act for any section of road between the cities of Galveston and Houston, or Galveston and the crossing of Buffalo Bayou, near the city of Houston.

Sec. 16. That no railroad which is less than fifty miles in length, according to the terms of its charter, shall be entitled to the benefits of this act, except on the following terms: The Brownsville and Rio Grande Railroad shall be entitled to the benefits of this act on its entire length, as soon as it is completed from Point Isabel to Brownsville; and any other railroad which is less than fifty miles in length, according to the terms of its charter, whenever one-half of its entire length has been completed and put in running order, and the other half has been graded ready for the ties and other superstructure, shall be entitled to said loan on said completed section, which shall be expended for the completion of the entire road; and in no event shall said roads be entitled to said loan on more than one-half of its entire length.

Sec. 17. If any person making an affidavit as herein required, shall knowingly swear falsely, he, upon conviction thereof be-

fore any court of competent jurisdiction, shall suffer all the pains and penalties of perjury.

Sec. 18. That it shall be the duty of any railroad company receiving the benefits of this act, to make through its proper officers an annual report under oath, to the Governor, containing a full and complete statement of the affairs of said company, together with the receipts, expenditures and liabilities of said companies, and with such other facts as may be necessary, under the general laws regulating railroads and said railroad companies.

Sec. 19. That every railroad company before it shall be entitled to the privileges of this act, shall establish upon the line of its road an office where books shall be kept, showing the state of its stock and general accounts, and where the company may be legally served with all notices and processes, and the Superintendent or principal manager of the transportation business of the road, shall reside in this State. And whenever a majority of the shares in the capital stock of the company shall be owned in this State, a majority of the Directors, including the President, shall be residents thereof. And that this act take effect, and be in force, from and after its passage.

Passed, August 13th, 1856.

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#### CHAPTER CIV.

##### **An Act to make valid certain surveys made in the county of Henderson.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the surveys made by A. F. Mallard, as the District Surveyor of Henderson District, in the county of Henderson, between the 24th day of December 1853, and the first Monday of August, 1854, be and the same are hereby made as valid as if said Mallard had been legally elected and qualified.

Sec. 2. That this act shall not be so construed as to affect the rights of third persons, nor to make valid any survey made upon land not at the time legally open to location and survey.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved, August 15th, 1856.

## CHAPTER CV.

An Act authorizing the Commissioner of Claims to employ an additional Clerk.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of Claims be, and he is hereby authorized to employ an additional Clerk whenever the business of the office may require it, at a salary of seventy-five dollars per month, who shall continue in office only so long as his services may be required.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved, August 15th, 1856.

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CHAPTER CVI.

An Act to authorize the Clerk of the County Court of Houston County to transcribe the Mark and Brand Book of said County, and index the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Clerk of the County Court of Houston county, be, and he is hereby authorized and required to transcribe the Mark and Brand Book of said Houston county, in a well bound book, to be furnished him by said County Court for that purpose, and properly index the same, and when the same shall have been examined and approved by the County Court of said county, the same shall have all the force and effect in law and equity that the original could or should have, and all certified copies taken from the same shall be as valid and have the same force and effect as if taken from the original.

Sec. 2. That the said County Clerk shall receive such compensation for his services as shall be allowed and paid by said County Court, not to exceed fifteen cents for each hundred words so transcribed.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved, August 15th, 1856.

CHAPTER CVII.

An Act for the relief of Pre-emption Claimants.

Section 1. Be it enacted by the Legislature of the State of Texas, That all persons who have heretofore settled within the limits of Peter's Colony, as Pre-emptionists, and have complied with the requirements of the laws in force at the time of their settlement, shall be as fully entitled to the benefits of the pre-emption laws under which they made their settlements as pre-emptionists in any part of the State. Any reservation for colonial purposes, to the contrary notwithstanding; provided, such pre-emption settlements do not conflict with any legal locations or surveys previously made.

Sec. 2. That all pre-emptionists who failed to have their land surveyed within eight months after their settlement, shall have eight months further time to do so. And twelve months after the passage of this act, in which to return the same to the General Land Office. And where no field-notes of a survey were made out, a certified copy of the surveyor's record of survey shall be sufficient in lieu of such field-notes.

Sec. 3. That sections one and two of this act shall apply to pre-emptors outside of Peter's Colony, as well as to those within it; provided, that this act shall not be construed to confer any rights or grant any relief to those persons who have settled as pre-emptors within the Pacific Railroad Reservation, since twenty-first day of December, eighteen hundred and fifty-three, whether they have settled within or without Peter's Colony; and that this act shall take effect from its passage.

Approved, August 15th, 1856.

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CHAPTER CVIII.

An Act to establish an Institution for the Education of the Blind.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of ten thousand dollars be, and the same is hereby appropriated and set apart for the establishment of an Institution for the Education of the blind of Texas, which shall be located at the city of Austin.

Sec. 2. A board of five Trustees shall be appointed by the

Governor, whose duty it shall be to administer the funds of said Institution and provide for its going into operation as soon as practicable, by renting a suitable building and appointing such superintendent and other officers as may be required for the successful management of said Institution.

Sec. 3. The said sum of ten thousand dollars shall be paid on the order of said Trustees, approved and countersigned by the Governor, out of any money in the Treasury not otherwise appropriated, as the actual current expenses of maintaining the Institution, shall accrue; provided, that not more than five thousand dollars shall be expended in any one year.

Sec. 4. Said Trustees shall be and they are hereby required to make full and accurate annual reports to the Governor of the State, showing the condition and progress of the Institution, with a full exhibit of all expenditures, and it shall be the duty of the Governor to lay the same before the Legislature.

Sec. 5. That this act shall take effect from date of passage.

Approved, August 16th, 1856.

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#### CHAPTER CIX.

An Act to pay James H. Rogers for services as Special Judge of the Supreme Court.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be authorized to draw a draft on the Treasurer in favor of James H. Rogers, for two hundred dollars, which shall be paid out of any money in the Treasury not otherwise appropriated, the same being the amount due the said Rogers for services as Special Judge of the Supreme Court, in the case of Horton vs. Ennis and Reynolds, decided at the April term, A. D. 1852, and Blunt vs. Webster, at the April term, A. D. 1856, at Tyler.

Sec. 2. That this act take effect from its passage.

Approved, August 19th, 1856.

CHAPTER CX.

An Act to amend the first and fifth sections of an act creating the county of Young, approved 2d February, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That section 1st of the above recited act, and section 5th of same act, read as follows:

Sec. 1. That all the territory comprised within the following limits, "to wit:" beginning at a point six miles east from the south-east corner of lower Brazos Indian reserve, as surveyed by English measure; thence north thirty miles; thence west thirty miles; thence south thirty miles; thence east to the place of beginning, be, and the same is hereby created into and constituted a new county, under the name and style of the county of Young.

Sec. 5. That for Judicial purposes the territory north from the north-east corner of said county, to Red River; thence west with said stream to the United States territory; thence south to a point west from the southern source of the clear fork of the Brazos; thence east to the source of such stream, and down the same to the main Brazos, and thence in a direct line to the south-east corner of said county; thence north to the place of beginning, shall be under the jurisdiction of said county: and when said county is created into a Land District, it shall embrace the above described territory.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved, August 19th, 1856.

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CHAPTER CXI.

An Act to validate the acts of Levi S. McMicken, as Deputy County Clerk of Polk county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the official acts of Levi S. McMicken, as Deputy County Clerk of Polk county, under W. H. Dukes, his principal, from the date of his deputation, until his successor was or shall be elected and duly qualified, be, and the same are hereby declared to be valid and legal as though said Dukes had continued to reside in Polk county.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved, August 19th, 1856.

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## CHAPTER CXII.

An Act to legalize surveys made in Hunt county by John Grainger, between the 1st day of August 1851 and 1852.

Section 1. Be it enacted by the Legislature of the State of Texas, That all surveys made in Hunt county by John Grainger, between the 1st day of August 1851 and the 1st day of August 1852, be, and they are hereby declared to be as legal and valid as if the said Grainger had been the legally elected Surveyor of said county. Provided that in all other respects the said surveys shall have been made in pursuance of the laws of this State, and further provided that this act shall in no wise validate surveys made during said period, not otherwise in strict accordance with law. And that this act take effect from and after its passage.

Approved 20th August, 1856.

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## CHAPTER CXIII.

An Act making an appropriation for defraying the expenses of the State Penitentiary.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of ten thousand dollars be, and the same is hereby appropriated out of any money in the Treasury, not otherwise appropriated, for the purchase of material, pay of master workmen, Engineers, &c., and other contingent expenses of the State Penitentiary. And that the said sum be subject—and the Treasurer is hereby authorized and required to pay—to the order of the Superintendent of said institution so much of said appropriation as may be necessary. And that such payments be accredited to the State Account.

Sec. 2. That this act take effect from its passage.

Approved August 20th, 1856.

CHAPTER CXIV.

An Act to change the line between the counties of Lavaca and Gonzales.

Section 1. Be it enacted by the Legislature of the State of Texas, That the line between the counties of Lavaca and Gonzales be so changed as to attach a part of Gonzales county to Lavaca county by commencing at the north-west corner of Lavaca county and running a line south-west five miles to a stake.

Thence due south to a point where it intersects the Lavaca county line.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved August 21st, 1856.

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CHAPTER CXV.

An Act relinquishing to the counties the State tax for the years 1856 and 1857.

Section 1. Be it enacted by the Legislature of the State of Texas, That nine-tenths of the State tax hereafter to be collected, under existing laws, on the assessment to be made for the years 1856 and 1857, are hereby relinquished to the respective counties where the property is situated on which said tax is assessed, to be disbursed for the benefit of said counties, at the discretion of the respective County Courts of said counties. Provided that said taxes shall be applied: first, to the erection of good and substantial public buildings, or to the payment for the same if already erected and not paid for, and afterwards to such general purposes as may be directed by the County Courts of the respective counties.

Sec. 2. Said tax to be assessed and collected by existing laws regulating the same, returns of the assessment rolls to be made, and one-tenth of said tax to be passed to the credit of the Free Common School Fund, and nine-tenths of said tax on property situated in counties other than that in which the assessment is made, for the benefit of said counties respectively, shall be made by the Assessor and Collector to the Comptroller, at the time provided by law, and it shall be the



duty of the several Assessors and Collectors to use the forms and pursue the instructions of the Comptroller as heretofore. And the County Court shall exercise a general supervision over the Assessors and Collectors and Treasurers of their respective counties, and in case of any delinquency or defalcation of said officers, said Courts shall have power to remove or suspend said officers, and do any other thing necessary to the protection of the interests of the county and State, and the punishment of said offending officer or officers.

Sec. 3. The Assessor and Collector shall monthly pay over, to the Treasurer of the county, all monies collected under this act, and report to the County Court, at each regular meeting, the time and amounts of said payments, and submit to said court, whenever required, his books and accounts, and also make an annual statement at the same time he is now required to make his final settlement with the Comptroller under existing laws, and it shall be his duty to use the forms and pursue the instructions of the Comptroller, as heretofore; provided, said Assessors and Collectors and county Treasurers shall collect and account for gold and silver only.

Sec. 4. That the liability of the Assessor and Collector shall be as heretofore, and as provided for in section second, and in the event of any Assessor and Collector failing or refusing to comply with the laws regulating the assessment and collection of taxes, said officer and his securities shall be prosecuted by the District Attorney of the district where such officer resides, on the bond or bonds he may have executed to the State of Texas and county for the faithful discharge of such officer's duty, and a certified copy of such bond by the County Clerk of the county where such bond is of record, shall be entitled to the same degree of credit that the original bond would be if produced in Court.

Sec. 5. It shall be the duty of the District Attorneys of the different districts to prosecute all delinquent tax collectors when notified by the County Court; that such officers, if residing within their respective districts, have failed to assess and collect the taxes in such county, in the manner provided for by law, and a statement of such officers' accounts, certified by the Court of the county shall be prima facie evidence of such officer's delinquency, and the District Attorney shall prosecute the cause in the manner provided for by law, and the proceeds of such prosecution shall be paid into the county Treasury.

Sec. 6. The Treasurer of the county shall report to the County Court of his county, at each regular meeting of said court, the amount of money in the Treasury, when and from whom received, and account for all monies paid out, none of which shall be disbursed except by order of the Chief Justice, attested by the County Clerk. He shall enter into bond to the county in a sum of which the County Court may consider double the probable amount of the relinquished State tax for the term of two years, in addition to the bond now required by law, and his liability shall be as heretofore.

Sec. 7. The pay allowed the Assessor and Collector for going to, and returning from the seat of Government settling his accounts, shall be as heretofore provided by law, the same to be paid out of the county Treasury, on the certificate of the Comptroller that said Assessor and Collector has settled his accounts.

Sec. 8. The Comptroller shall receive the taxes due from non-residents of the State, and nine-tenths of the State tax assessed on property in counties other than those in which the assessment is made, and pay the same to the Assessors and Collectors of the counties where the property so paid upon is situated, for the benefit of such counties.

It shall be the duty of the Comptroller to ascertain upon what real estate the taxes have not been paid, and take the needful steps to enforce the payment of the amount due on such property, as provided for in the Taxation Act, approved February 11th, 1850.

Sec. 9. The county Treasurer shall be entitled to receive two per cent. for receiving, and the same rate for paying out monies received under this act, and no more.

Sec. 10. That this act shall take effect, and be in full force, from and after its passage.

Vetoed by the Governor, and passed by a constitutional majority, August 21st, 1856.

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## CHAPTER CXVI.

An Act authorizing the use of the Spanish language before Justices Courts, in certain cases, and in the counties West of Guadalupe River.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be lawful in the counties West of the

Guadalupe River, except the counties of Nueces, San Patricio, and Refugio, to make use of the Spanish language in all Judicial proceedings before Justices of the Peace, when neither the Justice of the Peace nor the parties are able to write or understand the English language.

Sec. 2. That in any case in which one of the parties only speaks the English language, and the Justice or either party is unable to speak the English language, the cause may be removed, on motion, to the nearest Justice of the Peace speaking that language. Provided that the English language shall be used in all cases in which any one of the parties interested shall only speak the English language.

Approved August 22d, 1856.

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#### CHAPTER CXVII.

An Act making an appropriation to pay a judgment rendered in the District Court of Galveston county, against James H. Cock, deceased, late Collector of Customs for the late Republic of Texas, in favor of Samuel Jones, surviving partner of the firm of E. P. Kolkin & Co.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of six hundred and fifty dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the Treasury, not otherwise appropriated, for the payment of the judgment alluded to in the caption of this act, and the Treasurer shall pay the same upon presentation of the receipt of the plaintiff's Attorney.

Sec. 2. That this act take effect from and after its passage.

Approved August 22d, 1856.

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#### CHAPTER CXVIII.

An Act amendatory of, and supplemental to an act to encourage the improvement of the navigation of the rivers and other navigable waters of Texas, by making appropriations for the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That in the execution of the act to which this is

supplementary and amendatory, and of this act, all those bodies of water, in the vicinity of the Gulf of Mexico, locally designated as bays and lakes, shall be considered as parts of the bay through which they have their principal out-let to the Gulf, and all passages between bays, sometimes designated as Bayous, shall be considered as parts of the bays which they connect.

Sec. 2. That not more than fifty thousand dollars shall be drawn from the appropriation made by the act, to which this is supplementary and amendatory, for the improvement of the different bays of the State, and not more than ten thousand dollars shall be drawn for the improvement of any one bay.

Sec. 3. That each county, or any number of counties, interested in the improvement of any navigable river, bayou, lake or bay, may after general notice, and at a general meeting called for the purpose, appoint a Collector and Treasurer, and any subscription received by any Collector and Treasurer, previous to the approval of his bond by the Governor, shall be as valid and binding as if made afterwards, and the Collectors and Treasurers appointed under the act to which this is supplementary and amendatory, and under this act, shall return to the Governor before the first day of January, 1857, a list of all subscriptions received by them, with a statement of the amounts paid thereon, and also their bond.

Sec. 4. That on or after the first day of January, 1857, the Governor, State Engineer and Comptroller shall examine the list of subscriptions returned, and if the amount of subscriptions for the improvement of the bays shall be more than sufficient to consume the entire amount of the State appropriation for that object, they shall reduce the subscription for each of said bays in such manner as to secure the benefits of the State appropriation equitably, for the improvement of said bays according to the population accommodated by the same. If the amount of subscription for the navigable rivers, bayous and lakes, shall be more than sufficient to consume the entire amount of the State appropriation for these objects, they shall also reduce the subscription for each of said rivers, bayous and lakes, according to the population accommodated by the same. Provided, that in no event shall more than twenty thousand dollars, of the State appropriation, be applied to the improvement of any streams except the Colorado, Brazos, Trinity and Sabine rivers. And provided further, that no

river, bayou or lake, which is not navigable for at least ten miles, shall be entitled to the benefits of this act or the act to which this is supplementary and amendatory.

Sec. 5. That if the State Engineer and Superintendent shall, after surveying, exploring and laying off any river, bayou, lake or bay, find that the appropriation as designated in said several private subscriptions, for such navigable waters will not effect a permanent, continuous and valuable improvement upon such navigable water, said Engineer and Superintendent shall have the power to apply said subscriptions and State appropriation to such portions of said navigable waters as he shall be satisfied will effect the most permanent and valuable improvement thereon, and he shall notify the Governor and said Collectors and Treasurers upon what portion of said waters said appropriations will be made.

Sec. 6. Said Engineer and Superintendent shall continue in office two years, or until the election and qualification of his successor in office. And whenever any vacancy occurs in said office, by death, resignation or otherwise, or in the office of any Collector and Treasurer, it shall be the duty of the Governor to fill said vacancy by appointment, which appointment shall continue in office until twenty days after the next regular session of the Legislature. And that this act take effect from and after its passage.

Approved 23d August, 1856.

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## CHAPTER CXIX.

An Act to amend the ninth section of an act, entitled an act concerning free persons of color, approved February 5th, 1840.

Section 1. Be it enacted by the Legislature of the State of Texas, That the ninth section of the above recited act is hereby amended, so that the same shall hereafter read as follows, to wit: That it shall not be lawful for any master of a vessel, or owner thereof, nor for any other person whatsoever, to bring, import, induce or aid or assist in the bringing, importing or inducing any free person of colour, within the limits of the State of Texas, directly or indirectly. And any person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof in the District Court, shall be fined in a

sum of not less than one hundred dollars, nor more than two thousand dollars for each offence.

Sec. 2. That this act shall take effect and be in force from and after the first day of January, 1857.

Passed August 25th, 1856.

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CHAPTER CXX.

An Act to authorize the Chief Justice of Tarrant County to order an election to locate the County Site of said County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Chief Justice of Tarrant County shall order an election, to be held by the qualified voters of said county, on the first Tuesday in November, 1856, to locate the county site of said county.

Sec. 2. That if it shall appear from the returns, that there is a majority of the qualified voters voting for any one place, within five miles of the geographical centre of said county, then the Chief Justice shall declare such place duly elected, and shall become the county site of said county; but if there should not be a majority of votes cast in the first election for any one place, then the Chief Justice shall order a second election, giving twenty days notice thereof, leaving out the place receiving the smallest number of votes, and so on until an election is made by some one place receiving a majority of all the votes cast.

Sec. 3. That when the question is decided by a majority vote as to where the county site shall be, then it shall be the duty of all the officers of said county to remove their offices to the place elected, within six months after said location, and that all writs and process be made returnable, according to the intent and purport of this act. And that this act take effect from and after its passage.

Passed, August 26th, 1856.

## CHAPTER CXXI.

An Act authorizing and requiring the issuance of patents upon certain Surveys in Peter's Colony.

Section 1, Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be authorized and required to issue patents upon the following surveys in Peters' colony, viz.: headright of William Long for six hundred and forty acres. Headright of Reuben W. Reynolds for six hundred and forty acres. Headright of James Clayton for four hundred and seventy-three acres. Bounty warrant of James Clayton for six hundred and forty acres, and for three hundred and twenty acres; and that a survey for six hundred and forty acres in the name of Jacob Balliman may be relocated and patented, all of said tracts of land having been selected and located previous to the passage of the act of 10th of February, 1852, provided this act shall in no way affect the rights of third parties, and that said certificates and the one in virtue of which the Balliman survey may be relocated, shall be found to be genuine and valid, and that this act take effect from and after its passage.

Approved, August 25th, 1856.

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CHAPTER CXXII.

An Act to provide for the translation and transfer of a portion of the Archives of Bexar County.

Section 1, Be it enacted by the Legislature of the State of Texas, That the Governor be and he is hereby authorized to appoint some suitable and competent person or persons to arrange and translate into English all the documents in the Spanish language now on with the archives of Bexar county, embraced in the chronological index list prepared by Buquor and De Bray, and transmitted to the present Legislature by the Governor.

Sec. 2, That when so arranged and translated, all the documents herein mentioned, including both the originals and translated copies and also the originals and translations heretofore made thereof, under a previous law of the State, shall be transferred from the archives of Bexar county, and de-

posited in the office of the Secretary of State, subject to the disposition of the Legislature.

Sec 3, That the sum of fifteen hundred dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, to enable the Governor to carry into effect the provisions of this act. And that this act take effect and be in force from and after its passage.

Approved, August 25th, 1856.

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### CHAPTER CXXIII.

An Act supplementary to the act of March 13th, 1848, entitled "an act better defining the marital rights of parties."

Section 1, Be it enacted by the Legislature of the State of Texas, That the community property of the husband and wife shall be liable for all their debts contracted during marriage, except in such cases as are specially excepted by law. And in the settlement of community estates it shall be the duty of the survivor, executor, or administrator to keep a separate and distinct account of all the community debts allowed or paid in the settlement of such estates.

Sec. 2, That it shall not be necessary for any surviving husband to administer upon the community property of himself and his deceased wife, but he shall have the exclusive management, control and disposition of the same after her death in the same manner as during her life subject to the provisions of this act.

Sec. 3, That it shall be the duty of the surviving husband at the death of his wife, if she have a surviving child or children, to file in the County Court a full, fair and complete inventory and appraisement of all the community property of himself and his deceased wife, to be taken and recorded as in cases of administration, and to have the same force and effect in all suits between parties claiming under it. After which, without any administration or further action whatever in the Probate Court, he shall have the right to manage, control and dispose of said community property both real and personal, in such manner as to him may seem best for the interest of said estate, and of suing and being sued with regard to the same, in the same manner as during the life of his wife. And he



shall keep a fair and full account and statement of all exchanges, sales and other disposition of community property, and upon final partition shall account to the legal heirs of his wife for their interest in said community, and the increase and profits in the same after deducting a reasonable commission for the management of the same. And he shall be liable to the amount of said inventory and appraisement at all times for the interest of said heirs in said community property.

Sec. 4, That should said surviving husband neglect, fail, or refuse to file said inventory in the County Court as required by the provisions of this act, within sixty days after the death of his deceased wife, the County Court, upon complaint made and satisfactory proof thereof by any one having an interest in said estate either in person or by next friend, may upon its own motion or the motion of any party interested, require him to do so, or otherwise grant administration upon said estate, as in other cases provided by statute.

And if upon the filing of said inventory it shall appear to the court, that it is in any way necessary for the protection of the property belonging to said estate, bond and security may be required of said surviving husband in such amount and with such conditions as may be deemed necessary by the court for the protection of the interest of the creditors and heirs of said estate, and upon failure to execute said bond with security as required by said Court, administration may be granted upon said estate as in other cases.

Sec. 5, That should any of the heirs of the deceased wife, either in person, or by next friend or guardian, represent and show to any court of competent jurisdiction that said surviving husband is wasting or mismanaging or is about to waste or mismanage said community property, or is about to remove it out of the State or otherwise dispose of it in such manner as to injure, or defraud the right of such heir or heirs, the husband may be required to enter into such bond and security for the proper management of such property, and with such other conditions as may be required by the Court, or the Court may appoint an administrator over the estate of the wife as in other cases provided by statute.

Sec. 6, That said surviving husband may as each of the surviving heirs of his deceased wife or all of them, become of lawful age, set aside and deliver to him or them, what he considers their equal and equitable share in said community property, exhibiting therewith a full and complete statement of

the same for which he may require the receipt of such heir, stating the amount description and value of the property delivered, which said partition and distribution shall be binding, and final upon said heir or heirs, unless proceeding is commenced in some competent court, within two years after said distribution, by such heir to set the same aside.

In which case, any party interested may require a full and fair investigation into the whole of said estate, and said partition and the court entertaining jurisdiction of the same, shall have full discretion to enter all decrees and orders to obtain and carry out a full and fair settlement and partition of said estate, with such heir or heirs as may then be entitled to receive their distributive share.

Sec. 7, That the surviving wife may retain the exclusive management and control of the community property of herself and her deceased husband, in the same manner, and subject to the same rights, rules and regulations, as provided in the foregoing provisions of this act, until she may marry again.—But upon a second marriage she shall cease to have such control and management of said estate, or the right to dispose of the same under the provisions of this act, and said estate shall be subject to administration, as in other cases of deceased persons estates.

Sec. 8, That the husband or wife may by last will and testament give to the surviving husband or wife the power to keep his or her separate property together, until each of the several heirs shall become of lawful age, and to manage and control the same under the provisions of this act, and such other restrictions as may be imposed by will. Provided the surviving husband or wife is the father or mother, as the case may be, of the minor heirs—and provided further that any child or heir entitled to any part of said property, shall at any time upon becoming of age, be entitled to receive his distributive portion of said estate.

Sec. 9, That this act take effect and be in force from and after its passage, and that the provisions of all laws, in so far as they conflict with the provisions of this act be, and the and the same are thus far repealed.

Approved, August 26th. 1856.

## CHAPTER CXXIV.

## An Act to provide for the improvement of the Capitol Grounds.

Section 1, Be it enacted by the Legislature of the State of Texas, That the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated for boring an Artesian Well, and otherwise improving and ornamenting the Capitol Grounds, and that the well shall be completed and in successful operation previously to the setting out of trees and shrubbery.

Sec. 2, That the Governor and Comptroller be, and they are hereby authorized to enter into a contract with some suitable and competent person, having respect to his actual qualification for the duties imposed by this act, for the purpose of carrying out the provisions and object of this act, and that the person so contracted with shall execute a bond to the State of Texas, in double the amount of this appropriation, with at least two good and sufficient securities, to be approved by the Governor and Comptroller, for the faithful performance of his duties. Provided, that in no event shall the contract so entered into exceed the amount of this appropriation.

Sec. 3, That the Governor and Comptroller shall be authorized to draw the sum of money hereby appropriated from the Treasury, to be paid pro rata as the work progresses, provided that the amount so drawn shall in no event exceed the value of the work actually done.

Sec. 4, That this act take effect and be in force from and after its passage.

Approved, August 26th, 1856.

## CHAPTER CXXV.

## An Act amending an act to change the Sixth and Ninth Judicial Districts, of the State of Texas, and to define the time of hold-ings Courts therein.

Section 1, Be it enacted by the Legislature of the State of Texas, That the fourth section of the above recited act shall hereafter read as follows: That the District Courts of the ninth Judicial District shall be held as follows, viz: In the

county of Houston on the first Monday of March and September, and may continue in session two weeks; In the county of Cherokee on the second Mondays after the first Monday in March and September, and may continue in session four weeks; In the county of Anderson on the sixth Mondays after the first Mondays in March and September, and may continue in session three weeks; In the county of Henderson on the ninth Mondays after the first Mondays in March and September, and may continue in session one week; In the county of Kaufman on the tenth Mondays after the first Mondays in March and September, and may continue in session one week; In the county of Van Zandt on the eleventh Mondays after the first Mondays in March and September, and may continue in session one week; In the county of Smith on the twelfth Mondays after the first Mondays in March and September, and may continue in session until the business is disposed of.

And that this act take effect and be in force from its passage.

Approved 26th August, 1856.

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#### CHAPTER CXXVI.

An Act to amend an act to create the County of Comanche.

Section 1, Be it enacted by the Legislature of the State of Texas, That the first section of an act to create the county of Comanche, approved January 25th, 1856, be amended so as to read thus: beginning on the N. W. boundary of said county, five miles from the N. E. corner, thence N. 30° W. ten miles to a point, thence S. 60° W. to a point, twenty-five miles, thence S. 30° E. ten miles to what was heretofore the N. W. corner of Comanche county, and that this act take effect from its passage.

Passed, August 26th, 1856.

## CHAPTER CXXVII.

An Act to repeal an act donating to actual settlers on vacant public domain 160 acres of Land.

Section 1. Be it enacted by the Legislature of the State of Texas, That an act donating to actual settlers on vacant public domain one hundred and sixty acres of land, approved February 13th, A. D. 1854, be, and the same is hereby repealed.

And that this act take effect and be in force from and after its passage.

Passed, August 26th, 1856.

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CHAPTER CXXVIII.

An Act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad Reserve.

Section 1. Be it enacted by the Legislature of the State of Texas, That what is known as the Mississippi and Pacific Railroad Land Reserve, shall, from and after the first day of January, A. D. 1857, be subject to location and sale as hereinafter prescribed.

Sec. 2. That all persons who are now settled upon any portion of the said reserve belonging to the State, shall pay fifty cents per acre for his or her claim not to exceed one hundred and sixty acres, and the said parties are hereby required to have their lands surveyed by the District or County Surveyor, and the field notes returned to the General Land Office by the 1st day of January, A. D. 1858, provided that all persons now resident on the said reserve shall, on or before the 1st day of January, A. D. 1858, pay over to the Commissioner of the General Land Office the said amount of fifty cents per acre, for the amount of their claims. And the Commissioner is hereby required to patent the surveys authorized by this section as other surveys.

Sec. 3. That any person holding a genuine land certificate, bounty land warrant, or other headright land certificates, or railroad certificates shall, after the 1st day of March, 1857, have the right to locate the same within the reserve alluded to in this act, as on any other public domain of the State.

Sec. 4. That the Commissioner of the General Land Of-

rice is hereby required after the 1st day of March, 1857, upon the request of any party, to issue land scrip at fifty cents per acre, to be paid in gold or silver before the delivery of the same; the scrip to be issued in the name of the party applying; and the scrip so issued may be located within the said reserve and upon any vacant and unappropriated land, but not on any previously titled lands, and when so located and surveyed shall be patented as other surveys upon the public domain of the State; provided that all surveys recognized by this act shall be in a square, should surveys made before the passage of the act incorporating the Mississippi and Pacific Railroad admit of it.

Sec. 5. That all monies received by the Commissioner of the General Land Office, under the provisions of this act, shall be paid over monthly to the State Treasurer, and by him placed to the credit of the special school fund.

Sec. 6. That all laws and parts of laws, so far as they conflict with the provisions of this act, be and the same are hereby repealed.

Passed August 26th, 1856.

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#### CHAPTER CXXIX.

An Act to amend the third section of an act entitled An Act for the investment of the special school fund, in the bonds of Railroad Companies incorporated by the State.

Section 1. Be it enacted by the Legislature of the State of Texas, That section 3d of the above entitled act shall be so amended as to read as follows:

Said Board of Commissioners is hereby authorized to invest said funds by loaning to any such company, which has been heretofore chartered for the purpose of building a railroad in the State, the sum of six thousand dollars per mile, for each and every mile of railroad constructed as hereinafter provided. Said loans to be secured by the bonds of such company for said principal and interest, made and executed to the State of Texas, in the corporate name of such company, signed by the President and countersigned by the Secretary or Treasurer, under the seal of such company: which bonds shall constitute a lien upon the road and charter rights of such company, including the road-bed, right of way, grading, bridges, iron

rails, equipments, and masonry, and upon all the stock subscribed for in said companies, all the depots and depot stations, and all the property owned by such company, as necessary for its business. And the State of Texas, upon the execution of said bonds, and by the virtue of the same, shall be invested with said lien or mortgage for the payment of said bonds and the interest thereon, as the same becomes due, without the necessity of any deed, special contract or act of registration.

Sec. 2. That this act take effect, and be in force, from and after its passage.

Passed August 26th, 1856.

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## CHAPTER CXXX.

### An Act to establish an Institution for the education of the Deaf and Dumb.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of ten thousand dollars be, and the same is hereby appropriated and set apart for the establishment of an Institution for the education of the Deaf and Dumb of Texas, which shall be located at the city of Austin.

Sec. 2. A Board of five Trustees shall be appointed by the Governor, whose duty it shall be to administer the funds of said Institution, and provide for its going into operation as soon as practicable, by renting a suitable building and appointing such Superintendent and other officers as may be required for the successful management of said Institution.

Sec. 3. That said sum of ten thousand dollars shall be paid on the order of said Trustees, approved and countersigned by the Governor, out of any money in the Treasury, not otherwise appropriated, as the actual current expenses of maintaining the Institution shall accrue. Provided that not more than five thousand dollars shall be expended in any one year.

Sec. 4. Said Trustees shall be, and they are hereby required to make full and accurate annual reports to the Governor of the State, showing the condition and progress of the Institution, with a full exhibit of all expenditures, and it shall be the duty of the Governor to lay the same before the Legislature.

Sec. 5. That this act take effect and be in force from its passage.  
Approved August 26th, 1856.

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CHAPTER CXXXI.

An Act supplementary to an act authorizing the Commissioner of the General Land Office to issue patents on certificates issued by the Board of Land Commissioners of Robertson county, under certain restrictions, approved Feb. 5th, 1850.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue patents upon all unconditional certificates issued by the Board of Land Commissioners of Robertson county, under the same conditions and restrictions as is contemplated by the act to which this is a supplement; provided, that nothing in this act shall be so construed as to apply to any other class of certificates than those expressly mentioned in this act, and that this act take effect, and be in force from and after its passage.

Approved August 26th, 1856.

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CHAPTER CXXXII.

An Act to quiet Land Titles.

Section 1. Be it enacted by the Legislature of the State of Texas, That the headrights, augmentations and special grants made to the colonists, in the colonies of Austin and DeWitt, are hereby ratified and confirmed, and all conditions attached to the same are hereby released; provided, that this section shall extend only to titles issued previous to the 13th day of November, A. D. 1835.

Sec. 2. That this act shall take effect, and be in force from and after its passage.

Approved August 27th, 1856.



## CHAPTER CXXXIII.

## An Act for the erection and support of a Lunatic Asylum.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of fifty thousand Dollars of the United States bonds, and the interest accruing thereon, now in the Treasury, be appropriated, set apart and applied, under the immediate direction of the Governor, Comptroller and Treasurer, in the erection of a suitable building for a Lunatic Asylum, which building shall be so constructed that it shall be susceptible of any additions that may be hereafter required.

Sec. 2. That the Governor be, and he is hereby authorized and required to appoint three Commissioners, whose duty it shall be to select a proper site for the Asylum, and secure by donation or purchase not less than fifty nor more than one hundred acres of land, which shall not cost the State more than five dollars per acre. The commissioners shall report their proceedings to the Governor within thirty days after their appointment, together with the deed for the land donated or purchased, which deed shall be duly recorded in the proper office, and filed in the office of the Secretary of State. The commissioners shall receive five dollars per day, while in actual service.

Sec. 3. The Governor, upon receiving the report of the Commissioners, shall, with the Comptroller and Treasurer, let out the contract or contracts for the building of the Asylum under similar restrictions and liabilities (so far as the same may be applicable) which were in force upon said officers, in the erection of the Treasury buildings and Governor's mansion, and the same requirements which were made of the contractors in every respect, so far as the same may be applicable, shall be made from those who contract to do the work necessary in the construction of the Lunatic Asylum.

Sec. 4. That so soon as he may deem it necessary, the Governor shall appoint a suitable Superintendant, who shall be a skilful Physician, and experienced in the treatment of Lunatics, and such other assistants, male and female, as may be required to carry out the objects of this act; the Superintendant shall have a salary of two thousand dollars annually; he shall report to the Governor semi-annually all the expenses of the Asylum, with such other information as may show

the condition of the Asylum and its inmates. The sum of ten thousand dollars, or so much thereof as may be necessary, of the United States bonds, now in the Treasury and the accruing interest thereon, is hereby set apart for the expenses of said Asylum until the meeting of the next Legislature.

Approved, August 28, 1856.

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CHAPTER CXXXIV.

An Act to amend the first section of an act entitled an act to amend the second and seventh section of an act entitled an act to organize the Supreme Court of the State of Texas—approved the 12th of May, 1846—approved November 30th, 1850.

Section 1, Be it enacted by the Legislature of the State of Texas, That the first section of an act entitled an act to amend the second and seventh sections of an act entitled an act to organize the Supreme Court of the State of Texas, approved 12th of May, 1846, and approved November 30th, 1850, is hereby amended so that the same shall hereafter read as follows, to wit:

That the Supreme Court shall hold its sessions once in every year, at the city of Austin, in the county of Travis; once in every year, at the city of Galveston, in the county of Galveston; and once in every year at the town of Tyler, in the county of Smith, that the causes decided in the District Courts of the second, third, fourth, eleventh, thirteenth, sixteenth, seventeenth and eighteenth Judicial Districts, and the counties of Gonzales and Lavaca, in the tenth district when taken up by appeal or otherwise, shall be returnable to the Supreme Court, sitting at the city of Austin. That the causes decided in the District Courts of the first, seventh, twelfth, fourteenth, fifteenth and tenth Judicial districts, with the exception of the counties of Gonzales and Lavaca, shall be returnable to the Supreme Court, holding its session at the city of Galveston. That the causes decided in the District Courts of the fifth, sixth, eighth and ninth Judicial Districts shall be returnable to the Supreme Court, holding its session at the town of Tyler, in the county of Smith, provided that the parties, or their attorneys may, on filing an agreement for that purpose with the clerk of any District Court in either of the Judicial

Districts, direct the records, accompanied by a certified copy of the agreement to be transmitted to the Supreme Court, holding its sessions either in the city of Austin, the city of Galveston or at the town of Tyler; that the Supreme Court hold its session at the city of Austin on the third Monday in October of each and every year, and may continue in session nine weeks, or until the business before the Court is disposed of; at the city of Galveston on the first Monday in January, and may continue in session ten weeks, unless the business be sooner disposed of; at the town of Tyler on the first Monday in April, and may continue in session until the first day of July, unless the business before the Court is sooner disposed of.

And that this act take effect and be in force from and after its passage.

Approved, August 28, 1856.

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## CHAPTER CXXXV.

### An Act to create the County of Jack.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the territory embraced within the following limits, to wit:

Beginning at the South-West corner of the county of Wise, thence west to the South-East corner of the county of Young, thence north thirty miles, thence east of the North-West corner of the county of Wise, thence south to the place of beginning, shall comprise and constitute the county of Jack.

Sec. 2. That it shall be, and is hereby made the duty of Jas. W. Terry, E. Coker and Rad Ellis, to organize the said county of Jack, on the third Monday in October next, by ordering an election to be held at such places as they may designate, giving at least fifteen days notice of such election, for all county officers; which said election shall be conducted in all other respects according to the laws regulating county elections, where the same does not conflict with the provisions and intentions of this act.

Sec. 3. That said Commissioners shall, at the same time of ordering an election for county officers, order an election for the purpose of locating the seat of justice of said county, and it shall be the duty of said commissioners to select two or more suitable places within five miles of the centre of said

county, to be run for the seat of justice of said county. The returns of said election to be made to said commissioners, at such time and place as they may designate, and if either of said places shall receive a majority of all the votes cast, the same shall be the seat of justice of said county, and known as Mesquiteville; but if neither of the places run, shall receive a majority of all the votes cast, then said commissioners shall select the two places having received the highest number of votes, and order another election, and shall proceed as in the first, and the place receiving the highest number of votes, in the second election, shall be the county seat of said county.

Sec. 4. That until the seat of justice of said county shall have been located, the business to be transacted by the courts, shall be at the house of E. Coker; said commissioners, or either of them, are hereby authorized to administer the oaths of office to any officer elected under the provisions of this act.

Sec. 5. That if said place so selected shall fall upon vacant and unappropriated land, the State of Texas hereby relinquishes the same to said county, to the amount of three hundred and twenty acres, and upon the presentation of the field notes duly made out and recorded by the District surveyor of Denton Land District, the Commissioner of the General Land Office is hereby authorized to issue a patent to and in the name of Jack county, for the same.

Sec. 6. That said commissioners or a majority of them shall proceed to lay off said town into lots, and after giving notice of the same at least twenty days, to sell the same at public auction to the highest bidder either for cash or on time, as they may deem most advisable for the interest of said county, and after making said sales, shall proceed to make titles for the same in the name of said county, and if sold on time, take mortgages on the property sold to secure the payment of the same.

Sec. 7. That if said site so selected shall fall upon lands now appropriated, then and in that case, said commissioners shall be, and they are hereby authorized to procure the same to the amount of one hundred acres, either by purchase or donation; that the proceeds of the sales of said lots shall be appropriated to the building of a Court House and jail, in said town, provided that so soon as said proceeds or any part thereof are collected, they shall be paid over to the Treasurer of

said county, subject to the order of the County court of said county.

Sec. 8. That said commissioners, shall receive each the amount of per diem pay that is now allowed to county commissioners, and no more, and that from and after the first sale of said lots, the duties of said commissioners shall cease, and they shall pay over to said Treasurer of said county all the proceeds of said sales, and from and after that time the business shall be transacted by the County Court of said county. And that this act take effect and be in force immediately.

Approved, August 27th, 1856.

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## CHAPTER CXXXVI.

An Act to amend an act entitled "An Act to change the sixth and ninth Judicial Districts of the State of Texas, and to define the time of holding Courts therein," approved 18th December, 1855.

Section 1. Be it enacted by the Legislature of the State of Texas, That the fourth section of the above entitled act, be, and the same is hereby amended, so as to read as follows:

That the District Courts of the ninth Judicial District, shall be held as follows, viz: In the county of Houston, on the first Mondays of every March and September, and may continue in session two weeks; in the county of Cherokee, on the second Mondays after the first Mondays in March and September, and may continue in session four weeks; In the county of Anderson, on the sixth Mondays after the first Mondays in March and September, and may continue in session three weeks; in the county of Henderson, on the ninth Mondays after the first Mondays in March and September, and may continue in session one week; in the county of Kaufman, on the tenth Mondays after the first Mondays in March and September, and may continue in session one week; in the county of Van Zandt on the eleventh Mondays after the first Mondays in March and September, and may continue in session one week; in the county of Smith, on the fourteenth Mondays after the first Mondays in March and September, and may continue in session until the business is disposed of.

Sec. 2. That all writs and process issued from the District Court, in the county of Smith, and made returnable on the

twelfth Monday after the first Monday in September, 1856. Shall be returnable to said court on the fourteenth Monday after the first Monday in September 1856; and shall be as valid as if the same had been returned to said court on the twelfth Monday after the first Monday in September, and all causes triable in said court, at the term mentioned in the section of the above entitled act, amended by this act shall be triable at the term of said court, specified in this act.

Sec. 3. This act take effect from and after its passage.

Approved, August 27th, 1856.

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#### CHAPTER CXXXVII.

**An Act authorizing a sale of a portion of the United States Bonds, now in the Treasury of the State.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of the State is hereby authorized and required to dispose, at public sale, of such an amount of the United States Bonds, now in the Treasury, to the credit of the State account, as may be required from time to time, to meet the expenses of Government, and such appropriations as may be called for during the years 1856 and 1857.

Sec. 2d. That the Comptroller shall be governed in the sale or sales of said Bonds, by the stipulations and regulations of "An Act providing for the sale of one million of the Bonds of the United States, being a part of the indemnity received for the sale of a portion of the north-western Territory of the State of Texas," approved February 16th, 1852; and such sales may be had at such times and in such amounts, of not less than fifty thousand dollars at a time, as the wants of the Treasury may require.

Sec. 3rd. That this act take effect and be in force from and after its passage.

Approved, August 28th, 1856.

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#### CHAPTER CXXXVIII.

**An Act to create the county of Palo Pinto.**

Section 1. Be it enacted by the Legislature of the State of Texas, That all the territory lying within the following

limits: beginning on the south-west corner of Parker county; thence north with said line of Parker county, 30 miles to the north-west corner of said county; thence west 30 miles, to a corner; thence south to a point which is north 30° west, from the west corner of Erath county; thence in a direct line to the west corner of Erath county; thence following the boundaries of Erath and Parker counties, to the beginning, shall constitute a new county by the name of Palo Pinto.

Sec. 2. That the Chief-Justice of Bosque county shall, as soon as practicable, order an election to be held in Palo Pinto county, for the purpose of electing a Chief-Justice, County Commissioners, Sheriff, Clerk of the District Court and County Court, and all other county officers, and shall have power to qualify the Chief-Justice so elected.

Sec. 3rd. That the Chief-Justice of Palo Pinto county, after being qualified, as provided for by the previous section, shall have power to qualify the other county officers according to law.

Sec. 4th. That it shall be the duty of the Chief-Justice and County Commissioners of Palo Pinto county, when qualified, to select the county seat of said county, within five miles of the centre of said county; to lay off the county town, to designate the lots and land reserved for the use of the county, and to cause such buildings to be erected as are necessary for the use of said county, and any other business for the said county, not in conflict with the general laws.

Sec. 5th. That said county site shall be called Golconda, and that this act take effect from and after its passage.

Approved, August 27th, 1856.

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## CHAPTER CXXXIX.

An Act to create the county of Brown, ("in honor of Captain Henry S. Brown, now deceased, one of the early Pioneers of Texas.")

Section 1. Be it enacted by the Legislature of the State of Texas, That all that portion of Territory contained within the following limits, shall be created into a new county to be called Brown; beginning at the mouth of Pecan Bayou; thence N. 30° E. 14 miles to the south-west boundary of Comanche county; thence with said boundary N. 30° W. 38½

miles; thence south 60 W. to Muke-water creek; thence down with the meanders of said creek, to its mouth; thence down the Colorado to the beginning.

Sec. 2. That the Chief-Justice of Lampasas county shall, as soon as practicable, order an election for county officers of Brown county, which election shall be governed in other respects, by the laws regulating elections; and said Chief-Justice shall have power to qualify said officers when elected.

Sec. 3. That the Chief-Justice of Brown county, when so qualified, shall have power to qualify the other officers of Brown county.

Sec. 4. That the County Court of Brown County, shall, as soon as practicable, after being duly qualified, proceed to locate the county seat of said county, by selecting two or more eligible seats within five miles of the centre of said county, having proper respect for any donation of land that may be made for that purpose; and when so selected, the Chief-Justice of Brown county shall order an election for a county seat, according to the laws regulating elections, and the place receiving a majority of all the votes cast, shall be declared the county seat of said county, and if from any cause a selection shall not be made at the first election, the Chief-Justice shall order another election in the same manner, until a selection shall be made by a majority of the voters.

Sec. 5. That the County Court of Brown county shall have power to purchase, if necessary, land not exceeding three hundred and twenty acres, for the use of said county, and shall lay off the same or any other place obtained for that purpose, into lots for a town, and after selecting and setting apart such suitable lots as may be necessary, for a Court House, Jail, Clerk's office, school house, churches and burying ground, they shall sell the remainder or so much thereof as shall be necessary, at public sale, at such time and on such terms as said Court shall think best, and apply the proceeds to the erection of the public buildings necessary for the county.

Sec. 6. That the County Court of Brown county shall have power to name the county seat of said county, and do all other acts requisite to conclude the location of said county seat, and erection of said public buildings.

Sec. 7. That this act shall take effect from its passage.

Approved, August 27th, 1856.



## CHAPTER CXL

An Act defining the time of holding the District Courts in the twelfth Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas, That the District Courts for the counties composing the twelfth Judicial District, shall, from and after the first day of January, A. D. eighteen hundred and fifty seven, be begun and holden as follows: In the county of Cameron, on the first Mondays in March and September of every year, and may continue in session four weeks; in the county of Hidalgo, on the fourth Mondays after the first Mondays in March and September of every year, and may continue in session two weeks; in the county of Starr, on the sixth Mondays after the first Mondays in March and September of every year, and may continue in session two weeks; in the county of Webb, on the eighth Mondays after the first Mondays in March and September of every year, and may continue in session two weeks.

Sec. 2. That the Fall term of the District Courts for the year A. D. 1856, shall be begun and holden in said counties as heretofore required by law, with the exception of the District Court for the county of Cameron, in which county said Fall term shall commence on the eighth Mondays after the first Mondays in September, and may continue in session four weeks.

Sec. 3. That all writs and process that have been or may hereafter be issued from any of the District Courts of the Twelfth Judicial District, shall be considered as returnable to the terms as established by this act, and shall have the same force and effect as if the same had originally been so returnable.

Sec. 4. That all laws or parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, August 27th, 1856.

CHAPTER CXLI.

An Act to create the county of McCulloch, (in honor of Captain Ben. McCulloch.)

Section 1. Be it enacted by the Legislature of the State of Texas, That all that portion of territory contained within the following limits, shall be created into a new county to be called McCulloch: beginning at the upper corner of San Saba county, on the west or south bank of the Colorado river; thence south along the west boundary of San Saba county, to a point thirty-five miles from the starting point; thence west thirty miles, to a corner; thence north to the Colorado river; thence down said river to the beginning.

Sec. 2. That the Chief-Justice of San Saba county shall, as soon as practicable, order an election for county officers of McCulloch county, which election shall be governed in other respects, by the laws regulating elections; and said Chief-Justice shall have power to qualify the said officers when elected.

Sec. 3. That the Chief-Justice of McCulloch county, when so qualified, shall have power to qualify the other officers of McCulloch county.

Sec. 4. That the County Court of McCulloch county, shall, as soon as practicable, after being duly qualified, proceed to locate the county seat of said county by selecting two or more eligible seats within five miles of the centre of said county, having proper respect for any donation of land that may be made for that purpose, and when so selected, the Chief-Justice of McCulloch county shall order an election for a county seat, according to the laws regulating elections, and the place receiving a majority of all the votes cast, shall be declared the county seat of said county, and if from any cause a selection shall not be made at the first election, the Chief-Justice shall order likewise, until such selection shall be made by a majority of the voters.

Sec. 5. That the County Court of McCulloch county shall have power to purchase, if necessary, land not exceeding 320 acres, for the use of the said county, and shall lay off the same or any other place obtained for that purpose, into lots for a town, and after selecting and setting apart such suitable lots as may be necessary for a Court-house, Jail, Clerk's office, School houses, Churches, and burying ground, they shall pro-

ceed to sell the remainder or so much thereof as they may deem necessary, at public auction, at such times and on such terms as said Court shall think best, and apply the proceeds to the erection of public buildings, necessary for the county.

Sec. 6. That the County Court of McCulloch county shall have the power to name the county seat of said county, and all the acts to do and perform, necessary to conclude the location of the county seat, and the erection of the necessary public buildings.

Sec. 7. That this act shall take effect from its passage.

Approved, August 27th 1856.

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#### CHAPTER CXLI.

An Act to require the Comptroller to perform the duties required of the Auditor and Comptroller, under the provisions of an act entitled An Act relating to lost Certificates of Public Debt, of the late Republic of Texas, approved February 7th, 1853.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of Public Accounts be, and he is hereby authorized and required to perform all the duties required of the Auditor and Comptroller, under the provisions of an act entitled "An Act relating to lost certificates of Public Debt of the late Republic of Texas," approved February 7th, 1853. And he shall also issue warrants on all claims which have passed the Legislature since the first of January, 1856.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed, August 29th, 1856.

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#### CHAPTER CXLIII.

An Act to amend an act entitled "An Act to define the times of holding the several District Courts of the Fifth Judicial District," approved February 13th, 1854.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the act entitled "An Act to define the times of holding the District Courts in the Fifth

Judicial District," shall be so amended as to read hereafter as follows:—Sect. 1. That the District Courts of the Fifth Judicial District of the State of Texas, shall be held in the several counties composing said District, at the times hereinafter specified, to wit: In the county of Nacogdoches, on the first Mondays in February and August in each year, and may continue in session three weeks; in the county of Angelina, on the third Mondays after the first Mondays in February and August in each year, and may continue in session one week; in the county of Jasper, on the fourth Mondays after the first Mondays in February and August in each year, and may continue in session two weeks; in the county of Newton, on the sixth Mondays after the first Mondays in February and August in each year, and may continue in session one week; in the county of Sabine, on the seventh Mondays after the first Mondays in February and August in each year, and may continue in session one week; in the county of Shelby, on the twelfth Mondays after the first Mondays in February and August in each year, and may continue in session two weeks; in the county of San Augustine, on the fourteenth Mondays after the first Mondays in February and August in each year, and may continue in session until the business of the Court is disposed of.

Sec. 2. That this act shall be in force and effect from the 1st January, 1857.

Approved August the 30th, 1856.

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#### CHAPTER CXLIV.

##### An Act authorizing the disposition and sale of the University Lands.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be the duty of the several county and district Surveyors, in whose county or district any part of the fifty leagues appropriated by the fourth section of an act entitled An Act appropriating certain lands for the establishment of a general system of education, approved 26th of January, 1839, may be situated, to proceed as soon as practicable after the passage of this act, and divide the same into tracts of one hundred and sixty acres each. And in dividing any tract, if there shall be any fractional balance of less than one hundred

and sixty acres, the same shall be attached to the adjoining tract. The Surveyor shall cause the lines of each tract, when the same are in the timber, to be plainly marked, and shall establish the corners of each tract with good and substantial materials. He shall make a map of said work and field notes, in which each tract shall be numbered and the quantity thereof stated; the lines and corners shall be fully described; all streams of water shall be stated with their course; and the point or points at which they may intersect any line; and the quantity of timber, and prairie land, and the character of the same in each tract shall be stated as near as the same can be estimated; provided that dividing said lands into one hundred and sixty acre tracts, shall consist in running section lines one mile apart, and establishing corners at the end of every half mile.

Sec. 2. When said map and field notes shall be completed, in accordance with the provisions of the preceding section, the Surveyor shall record the same in a bound book to be kept in his office for that purpose, and return the original to the Commissioner of the General Land Office, who, upon the receipt of the same, shall notify the Governor.

Sec. 3. After said map and field notes shall have been made and returned to the General Land Office, as herein before provided for, it shall be the duty of the Governor to cause each alternate section of six hundred and forty acres to be sold in lots of one hundred and sixty acres each, at public auction to the highest bidder, at the county seat of the county in which the same may be situated; provided such sale and the terms thereof shall first have been advertised for sixty days in two newspapers published nearest to the county in which the land is situated; also, in at least three public places in said county; and in at least one paper at the seat of Government; Provided also that such lands shall not be sold for a less price than three dollars an acre.

Sec. 4. That the terms of such sale be a credit of twenty years, bearing interest at the rate of eight per cent. per annum, the purchaser to pay to the Treasurer of the State, at the end of each year, after the day of sale, the interest due on the purchase money and one-twentieth part of the original purchase money. The purchaser to give bond with two or more good securities, for the amount of the purchase money and interest thereon, after which he shall receive, from the person making the sale, a certificate of his purchase, and the amount and

terms thereof, and whenever he shall have fully paid the principal and interest of his purchase, the Commissioner of the General Land Office shall issue to him and his heirs or assigns, a patent; Provided that nothing in this act shall be so construed as to prevent any purchaser, his heirs, or assigns of such lands, from paying at any time he may desire the whole amount of the purchase money and interest, and so doing he shall receive a patent for the same.

Sec. 5. As often as any purchaser of said lands shall fail to pay the amount of interest, and instalment of his purchase, when the same is due, the Governor shall cause the same to be sold again, after thirty days' notice, by public auction, to the highest bidder, at the county seat of the county where the land is situated, the terms of such sale shall be that the purchaser shall pay in cash the amount then due on the land, and the costs of the sale, and for the residue of the purchase money he shall have the same number of years as there remain to run of the original credit, interest at eight per cent. to be paid thereon annually, and the principal to be paid at equal annual instalments; the purchaser to give a like bond and receive a like certificate as at original sales.

Sec. 6. If, at the re-sale of any tract of said land, it shall fail to bring an amount sufficient to pay the principal and interest owing thereon, and the costs of such re-sale, it shall be the duty of the Governor to cause suit to be brought against the obligees (obligors) in the bond of the original purchaser for such deficiency, and if it shall bring any more than the principal and interest thereon, and the costs of the re-sale, the excess shall belong to the party whose property is so sold. At any such re-sale the Governor may, if he thinks it necessary for the protection of the rights of the State, authorize the land to be brought in for the State, to be held and disposed of for the benefit of the University fund.

Sec. 7. The Governor may appoint one or more agents, from term to term, to conduct the sales herein authorized to be made, and all such agents shall give bond with two or more good securities, in such amount as the Governor may direct, conditioned for the faithful discharge of their duties; and every such agent shall be allowed the sum of five dollars for each and every day he may be actually employed in discharging the duties of his appointment.

Sec. 8. The proceeds of the sale of all such lands shall

constitute a University fund to be hereafter appropriated by the Legislature.

Sec. 9. The alternate sections not herein directed to be sold shall be reserved from sale until hereafter directed by the Legislature.

Sec. 10. The county or district Surveyors shall be allowed for all duties required of them by this act, three dollars per mile, for each mile actually run, but they shall in no case be allowed pay for the same line more than once, and said compensation shall be paid out of any money in the Treasury, not otherwise appropriated.

Sec. 11. It shall be the duty of the Governor to cause to be located, and surveyed, an amount of land sufficient with that already located and surveyed, to make up the fifty leagues of University lands, appropriated by said act of 26th of January, 1839, in such tracts as he may think it advisable, at a cost not exceeding the regular fees of surveying, which shall be paid out of any money in the Treasury, not otherwise appropriated.

Sec. 12. Each settler upon any of said tracts of land offered for sale, shall have the right to take the tract upon which his improvements, or the greater part thereof, shall be situated, at the highest and best bid that may be offered for the same. Provided that such bid shall not be less than three dollars per acre.

Sec. 13. That parties purchasing under the provisions of this act, shall have the right to sell the land purchased by him or her, under the provisions of this act, at any time, but the land so sold shall in all cases be held liable for the principal and interest unpaid under any sale in favor of the State, and a first lien or mortgage is hereby declared to exist in favor of the State, as a security for the payment of principal and interest to all lands sold as above prescribed.

Approved August 30th, 1856.

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## CHAPTER CXLV.

An Act prescribing the manner of entering Land Certificates or Scrip, and to prohibit the lifting and floating the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That hereafter each county and district Surveyor in the

State, shall keep in his office a well bound book as a register of entries, in which he shall register entries or applications for land in his county or district. He shall also, before registering an entry or application, require the applicant to file his land certificate or scrip, or other legal evidence of title to land, together with a written entry or application particularly describing the claim to be surveyed, the date of the entry or application, and the land applied for in his office, which he shall not allow to be taken from thence, until the same is returned, together with the field notes, to the General Land Office; but the survey shall be made by a copy of the entry, and strictly in accordance with the same; Provided, that nothing in this act shall be so construed as to prevent holders of certificates or scrip from having the same surveyed without entry. But such survey shall not have a preference, or give any right over a location or entry of the same land previously made in the proper office.

Sec. 2. That it shall not be lawful for such surveyor to allow the holder of any land certificate or scrip, or other legal evidence of title to land to lift or float the same after entry, location, file or survey, when the same is not made upon land previously appropriated. But when a conflict of entries, files, locations or surveys occur, upon a proper showing of the facts, which may be by the certificate of one of his deputies or from his own knowledge, he shall allow the party having his entry, file, location, or survey of subsequent date to lift so much thereof as shall be affected by such conflict.

Sec. 3. That whenever an entry is made by virtue of a genuine certificate, upon any land which appears to be appropriated, deeded or patented, by the books of the proper Surveyor's office, or records of the County Court or General Land Office, the party making such entry shall abide by the same. And in the event that judgment final shall be rendered against the right of the party making such entry to hold such land, he shall not have the right to lift or re-enter said certificate. But the same shall be forfeited, and so declared to be by the judgment of the Court. Provided, that nothing in this act shall be so construed as to effect entries or location heretofore made.

Approved August 30th, 1856.



## CHAPTER CXLVI.

An Act setting aside and appropriating land for the benefit of Asylums.

Section 1. Be it enacted by the Legislature of the State of Texas, That one hundred thousand acres of land be, and the same is hereby set apart for the benefit of a Lunatic Asylum, and a like amount of land for the benefit of a Deaf and Dumb and Blind and Orphan Asylum.

Sec. 2. That the Governor shall employ a competent person to locate and survey the same, from any of the vacant and unappropriated domain of the State; and the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the Treasury to carry into effect the provisions of this act. And that this act shall take effect from and after its passage.

Approved August 30th, 1856.

## CHAPTER CXLVII.

An Act fixing the compensation for saving Cotton found in any of the Waters of this State, or on the Coast thereof, in the Gulf of Mexico.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be the duty of persons taking up Cotton afloat, abandoned in rivers, or in the waters of the Gulf of Mexico, on the coast of this State, or in the bays or bayous thereof, to place the same in a secure place out of the weather, and give early notice by advertisement or by other means at the Port to which said cotton was destined, if within this State, and if without the limits of the State, or its destination be unknown to the finder, then at the nearest port of entry in this State to the locality where it may be taken up, of the finding of the same, giving a description of the marks or brands on said cotton, together with the place of finding, and the name of the finder.

Sec. 2. It shall be the duty of the person finding, or other persons having said cotton in his or their possession, to deliver the same to the owner, insurer, or consignee thereof on demand upon being paid the expenses of advertisement, and five dollars upon each bale so saved and delivered up.

Sec. 3, If no owner, insurer or consignee of the cotton appear within three months after the time of such advertisement, the person finding shall cause the same to be sold at auction by a legal wreck-master of the county in which said cotton is deposited, to the best bidder therefor; and the said wreck-master shall deduct from the proceeds of said sale, five per cent upon the dollar upon the amount thereof, for his fees and trouble; and shall also pay the necessary expenses attending the storage, advertising and sale of said cotton, and to the finder the salvage of five dollars for each bale as aforesaid, the remainder he shall hold intrust for the benefit of owner or others concerned. If, at the expiration of one year thereafter no legal claimant appears therefor; said proceeds shall by said wreck-master be paid over to the treasurer of the county in which the sale took place, and said county Treasurer shall immediately pay the same over to the Treasurer of the State, who shall pay the same over to the person entitled thereto on proof being made of the right of the claimant in the manner provided for the recovery of money paid into the Treasury of the State by executors or administrators of estates, whenever no heirs, devisees or legatees of the estate appear to claim the fund of the estate on the final settlement thereof.

Sec. 4, In case there shall be no wreck-master in the county in which the cotton is deposited, then it shall be the duty of the County Clerk of the county to perform all the duties required of wreck-masters by this act, and such clerks shall be entitled to receive the same compensation for his services as is allowed to wreck-masters under this act.

Sec. 5. Any person finding a bale or bales of cotton afloat or lodged by the water on the banks of any river, bay, or bayou, or on the beach of the Gulf within this State, who shall secrete the same, or appropriate the same to his own use, or who shall refuse to deliver up the same when required as aforesaid, or who shall having found any cotton afloat without the limits of this State, bring the same into this State, and not comply with the requirements of this act, as in case the same had been found within the State, shall be liable to fine or imprisonment or both, in the discretion of the District Court for the county in which the said cotton may be found, or stored, in any sum not exceeding five hundred dollars, and imprisonment not exceeding one year.

Sec. 6, Upon affidavit being made before any Justice of the Peace that the affiant has good reason to believe, and

does believe that certain cotton within his county has been so found, or having been found without the same has been brought therein, and that a reasonable time has elapsed, and that the finder has neglected to comply with the requisitions of this act, it shall be the duty of such Justice of the Peace to issue his warrant and cause said cotton or its proceeds to be seized by a legal officer, and deliver to the wreck-master of said county, to be disposed of according to the provisions of this act.

Approved, August 30th, 1856.

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## CHAPTER CXLVIII.

An Act providing for the payment of the Companies of mounted Volunteers, Commanded by Captains William Tom, Jr., Levi English and William G. Tobin, organized for the temporary protection of the Western Frontier of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of one thousand seven hundred and two dollars and sixty-four cents, be, and the same is hereby appropriated for the payment of Captain Tom's Company, for one month, from the eighteenth day of October, eighteen hundred and fifty-five, to the eighteenth day of November, eighteen hundred and fifty-five, which company consist of one Captain, one First and one Second Lieutenant, four Sergeants, four Corporals, and forty-four privates.

And that the sum of four hundred and eight dollars and ninety-seven cents be paid to E. Jones, Chairman of the committee of vigilance of San Antonio, to reimburse the citizens of that place, for money furnished by them to purchase supplies for said company.

Sec. 2, That the sum of one thousand four hundred and eighty-three dollars and thirty-nine cents, be and the same is hereby appropriated for the payment of Captain Levi English's company, for one month, which is to cover the whole time for which he claims in his roll, dating the discharge on the thirteenth of November, eighteen hundred and fifty-five, which company consists of one first and one second lieutenant, three sergeants, three corporals, and forty-two privates, and that the sum of three hundred and sixty dollars be paid to the non-commissioned officers and privates for their forage and subsistence.

Sec. 3, That the sum of seven hundred and fifty-five dollars and sixty-seven cents, be, and the same is hereby appropriated for the payment of Capt. W. G. Tobin's company for one month, ending on the fifteenth day of November, eighteen hundred and fifty-five, which company consists of one second lieutenant, two sergeants, two corporals and twenty-one privates, and that the sum of one hundred and eighty-seven dollars and fifty cents be paid to the non-commissioned officers and privates for their forage and subsistence.

Sec. 4, That the Governor be authorized and required to appoint some suitable person to pay the companies of Captain Tom, Captain English and Captain Tobin, as well as the amount to be paid E. Jones, whose duty it shall be to make payment at three places. One at Seguin, one at San Antonio and one at Peter Tumlinson's on the Atascosa, at such times as the Governor may direct, and that he shall give due notice of the times and places of payment, by advertising in one paper at San Antonio, and one paper at Seguin for twenty days before the payments are to be made; and said payments to be made to the officers, non-commissioned officers and privates, shall be made strictly in accordance with the regulations of the pay department of the United States, and that said paymaster so appointed by the Governor, shall be required to give bond for double the amount of this appropriation, with security to be approved by the Governor, for the faithful performance of his duty under the provisions of this act.

Sec. 5, That one hundred dollars be allowed, and paid to the paymaster, provided for in the fourth section of this act as compensation in full, for his services in making said payment with all other expenses and labors incident to the same, in any manner whatever.

Sec. 6, That the Treasurer of this State is hereby authorized and required to pay the sum of four thousand nine hundred and ninety-eight dollars and twenty-seven cents, over to the paymaster appointed by the Governor out of any money in the treasury not otherwise appropriated, upon the presentation of the order of the Governor therefor under the seal of the State—and that this act take effect and be in force from and after its passage.

Approved, August 30th, 1856.

## CHAPTER CXLIX.

**An Act for the relief of certain Pre-emption Settlers within the Houston Land District.**

Whereas, The Book of Records of Pre-emption Claims for the Houston Land District, including the counties of Houston, Trinity, and part of the county of Henderson, has been lost or destroyed, by which it is placed out of the power of many bona fide pre-emption settlers within said district to obtain their patents. Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That all persons who settled upon the public domain within said district as a pre-emptor and had his land surveyed by the surveyor of said district, may make oath before some officer having a seal. That the land he claims as a pre-emptor was actually surveyed by a surveyor of said district, together with the date of said survey as near as he can in accordance with the laws in force, at the date thereof, and prove the same facts by one or more witnesses, and may have his said claim re-surveyed.

Sec. 2, That said re-survey shall relate back to the date of said original survey and pre-emption location.

Sec. 3, That the Commissioner of the General Land Office shall issue patents to said claimants for the amount of land they may be entitled to, upon the applicant making the proof hereinbefore required in addition to the proof now required by law to be made.

Sec. 4, That in case the original settler may be dead, his heirs or legal representatives may make the proof herein required of the settlement and survey.

Sec. 5, That said pre-emption settlers shall have the further time of eight months from the passage of this act, to return their field notes to the General Land Office, and shall in all respects be entitled to the benefits of the pre-emption laws under which they settled, and also those in force in this State, provided that nothing in this act shall be so construed as to legalize the settlement of surveys of patents within the reserve known as the Mississippi and Pacific Railroad reserve, made after the twenty-first of December, eighteen hundred and fifty-three. And that this Act take effect from and after its passage.

Passed August 30th, 1856.

CHAPTER CL.

**An Act requiring the return of Unconditional Certificates to the General Land Office.**

Section 1. Be it enacted by the Legislature of the State of Texas, That all owners or holders who have conditional certificates now located, or surveys, upon lands shall return to the General Land Office the unconditional certificates, together with the field notes of the same, on or before the first day of August, 1857, and all unconditional certificates which are not returned by that time, the said locations and surveys shall be null and void, and all such locations and surveys made by virtue of such conditional certificates shall become public domain and subject to be located upon as other vacant lands.

Sec. 2, That this act take effect from and after its passage.

Approved, August 30th, 1856.

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CHAPTER CLI.

**An Act concerning the School Lands of Navarro County.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby authorized and required to issue patents for the School Lands of Navarro County, embraced in the surveys made by J. P. Philpot, District Surveyor of Robertson Land District. That this Act take effect from and after its passage.

Passed, August 30th, 1856.

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CHAPTER CLII.

**An Act to prevent slaves from carrying guns or other dangerous weapons.**

Section 1. Be it enacted by the Legislature of the State of Texas, That no slave shall carry a gun or other deadly weapon upon the premises of his master, mistress, or employer, without a written permit from his owner or employer, so to do.

Sec. 2. That no slave shall be permitted to carry a gun or other deadly weapon beyond the premises of his owner or employer, unless accompanied by his owner, employer, or some white person, authorized by his owner, or employer to have charge of said slave, during the time that he carries said gun or other deadly weapon.

Sec. 3. That any gun or other weapon, found in the possession of any slave, contrary to the provisions of the previous sections of this act, may be seized and taken from said slave, by any white person, and said property forfeited to the person seizing and taking the same, provided the same shall not exceed, in value, the sum of twenty dollars. But any such property may be reclaimed, by the owner paying the sum of twenty dollars to the person or persons who may have taken the same.

Sec. 4. That the sixth section of an act, approved 5th February, A. D., 1840, be, and the same is hereby repealed.

Sec. 5. That this act take effect from and after its passage.

Approved, August 30th, 1856.

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#### CHAPTER CLIII.

An act to repeal an act to provide for the issuance of bounty and donation land warrants to persons entitled to the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That an act to provide for the issuance of bounty and donation land warrants to persons entitled to the same, approved January 31st, 1854, be and the same is hereby repealed.

Sec. 2. That this act take effect from and after its passage.

Approved August 30th, 1856.

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#### CHAPTER CLIV.

An Act authorizing and requiring the Treasurer of the State to collect from the United States, the money upon certain Public Debt certificates, therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Treasurer of the State, as receiver and

keeper of all funds belonging to estates, by virtue of the laws of the late republic and State of Texas, "relative to the estates of deceased persons," that may be in the possession of administrators, upon a final settlement of an estate when no heirs, devisees or legatees appear and claim the same, is hereby authorized and required to present to the Treasury of the United States for payment, the following 1st class Public debt certificates of the late republic of Texas, now in the Treasury of the State to the credit of certain estates, to wit: certificate No. 2479, issued to the heirs of John Jones, dec'd; No. 2480, issued to the heirs of Joel Hill, dec'd; No. 2481, issued to the heirs of Warren Abom, dec'd; No. 2482, issued to the heirs of John L. Monks, dec'd, and No. 2483, issued to the heirs of Peter Aldrich, dec'd, and to draw for the benefit of said estates or heirs, the pro rata amount due upon each certificate, and to sign all necessary receipts and releases that may be required, to the United States or the State of Texas; and such amounts, when received by said Treasurer, shall be placed by him upon the books of his office to the credit of the respective estates or heirs, in lieu of the Public debt certificates surrendered.

Sec. 2. That this act take effect from and after its passage.

Approved August 30th, 1856.

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## CHAPTER CLV.

### An Act relating to the duties of Assessors and Collectors of Taxes.

Section 1. Be it enacted by the Legislature of the State of Texas, That no Assessor and Collector of taxes, shall, either directly or indirectly, speculate in any county paper or other fund whatever, made receivable by law for the payment of taxes, nor in any manner invest or use for his own benefit or profit any monies, or funds, received by him in payment of taxes.

Sec. 2. That every Assessor and Collector of taxes, shall keep one or more books, containing printed or written blank receipts, as well as corresponding marginal summaries and before the delivery of any receipt for taxes, he shall fill up a blank therefor, as well as the corresponding marginal summary in said book, with the dates, name of the person and amount



and character of the fund paid, whether money, county paper or other fund receivable for State and county taxes, and shall sever said receipt from said book, leaving therein the corresponding marginal summary as a permanent register of his office, which shall be produced before the County Court of his county when required, and shall also be subject to public inspection.

Sec. 3. That each Assessor and Collector of taxes shall pay to the Treasurer of his county, all monies collected by him for county taxes, in the same funds as received by him.

Sec. 4. That every Assessor and Collector of taxes who shall violate any of the provisions of this act, shall for the first offence be punished by a fine of not less than fifty, nor more than one hundred dollars, to be recovered in the name of the State of Texas, before any court having jurisdiction thereof; of which fine the informer shall receive the one-half and the other half shall be paid into the county Treasury for county purposes, and for the second offence, he shall be liable to indictment by a Grand Jury, and on conviction, he shall be fined in any sum not exceeding two hundred dollars, and shall be removed from office.

Sec. 5. That this act take effect from and after its passage.

Approved, August 30th, 1856.

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## CHAPTER CLVI.

An Act authorizing and requiring the Governor of the State to have surveyed the unlocated balance of the University Lands.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor be, and he is hereby authorized and required to cause to be surveyed, as soon as possible, on any vacant or unappropriated lands belonging to the State, twenty-two thousand two hundred and fifty acres of land, or the unlocated balance donated and set apart by the late Republic of Texas, for the endowment and establishment of two Universities.

Sec. 2. That the Governor be, and he is hereby authorized to draw upon the Treasurer of the State, for such sum or sums of money as may be necessary for defraying the expenses incurred by locating and surveying said lands.

Sec. 3. That this act take effect from and after its passage.  
Approved August 30th, 1856.

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CHAPTER CLVII.

An Act to legalize the official acts of David P. Fearris, Notary Public of the county of Ellis.

Section 1. Be it enacted by the Legislature of the State of Texas, That the notarial acts of David P. Fearris be, and the same are hereby declared as legal as though he had been a naturalized citizen, previous to his appointment as Notary Public of Ellis county. And that this act take effect from and after its passage.  
Approved, August 30th, 1856.

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CHAPTER CLVIII.

An Act for the protection of the lands that have been or may hereafter be granted for purposes of Education.

Section 1. Be it enacted by the Legislature of the State of Texas, That no statute of limitation shall run in favor of any one who has heretofore, or may hereafter settle upon or occupy any of the lands that have heretofore been granted or may hereafter be granted by the State, for purposes of Education. And this act shall take effect, and be in force, from and after its passage.  
Approved, August 30th, 1856.

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CHAPTER CLIX.

An Act for the relief of the Coshattee Indians.

Section 1. Be it enacted by the Legislature of the State of Texas, That six hundred and forty acres of vacant and unappropriated land situated in Liberty, Polk, or Tyler counties, or any of them, to be selected by the Chiefs of the Coshattee tribe of Indians and the Commissioners hereinafter named, be and the same is hereby set apart for the sole use and benefit

of, and as a home for the said tribe of Indians; and that the District Surveyor of the District of Liberty, or his legal deputy, be authorized and required, upon the application of said Commissioners, to survey the same and to return the field notes thereof, duly authenticated, to the Commissioner of the General Land Office, who shall thereupon issue a patent to said tribe of Indians for the same; and that said Surveyor shall, for such service, receive the usual fees of office and no more.

Sec. 2. That should said Chief and Commissioners be unable to select a suitable home for said Indians, on vacant and unappropriated land, then and in that case, the said Commissioners are hereby authorized to purchase six hundred and forty acres of land from the owner or owners thereof, situated in any of the aforesaid counties, at a price not to exceed two dollars per acre, and shall take from the owner or owners of such lands, deeds with warranty, conveying the same to said tribe of Indians; which deeds of conveyance shall be acknowledged or proven, and admitted to record in the county in which the land or the greater part thereof is situated, before the purchase money or any part thereof shall be paid. And the said Commissioners are hereby authorized to draw on the Treasurer of the State in favor of the person or persons from whom said land or any part thereof may have been purchased, for a sum of money not to exceed twelve hundred dollars, the amount of which draft the Treasurer shall pay out of any money in the Treasury, not otherwise appropriated.

Sec. 3. That said Indians shall not alien, lease, rent, let, give, or otherwise dispose of said land, or any part thereof, to any person whomsoever. And should the State of Texas hereafter provide a different and permanent home for said tribe of Indians, and settle them thereon, then said six hundred and forty acres of land with its improvements shall become the property of the State.

Sec. 4. That Samuel Rowe and Milton A. Harden be, and they are hereby appointed Commissioners for the purposes contemplated in this act, and that they shall be entitled to a sum of money not to exceed one hundred dollars each for their services as Commissioners, as aforesaid. They shall return to the Treasury Department a certificate sworn to before any officer authorized to administer oaths, setting forth the quantity of land so purchased for said Indians, in what county situated, and at what price it was purchased.

Sec. 5. Should any portion of the land selected by said Chiefs and Commissioners prove to be on the public domain and not amount to the said six hundred and forty acres, then and in that case, the Commissioner of the General Land Office is hereby authorized and required to issue a patent to and in the name of said tribe of Indians, for such land as shall be so vacant upon the return of the field notes of the District Surveyor, of the amount surveyed of the public domain.

Sec. 6. That this act take effect and be in force from and after its passage.

Approved, August 30th, 1856.

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## CHAPTER CLX.

An Act Supplementary to an act for the relief of the citizens of Mercer's Colony, passed February 2d, 1850.

Section 1. Be it enacted by the Legislature of the State of Texas, That section eight of the above mentioned act be so amended that it shall only be necessary for the Colonists or citizens to prove by his, her or their own oaths, supported by the oaths of two respectable witnesses, that he, she or they emigrated to and was a resident citizen of the Territory commonly known as Mercer's Colony, on or before the 25th day of October, A. D. 1848, and that he, she, or they have never received any land from this Government by virtue of their emigration hither.

Sec. 2. That the proof required by the first section of this act shall be made before the District Court of the county in said Colony, where the party resided in said Colony; and it shall be the duty of the District Court to hear and determine and award or refuse certificates to the parties applying under the provisions of this act. and the act to which this is supplementary, as in other cases.

Sec. 3. That no petition shall be required and it shall only be necessary for the applicant to have the case docketed, and the same shall be heard in its order.

Sec. 4. That the certificates for the claims established under this act shall be issued by the Clerk, and be countersigned by the Judge of the Court issuing the same, and of the issues of said certificates, the clerk shall make annual re-

turns to the Commissioner of the General Land Office; and in no case shall the fee be more than three dollars.

Sec. 5. That this act take effect from and after its passage.

Approved, August 30th, 1856.

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## CHAPTER CLXI.

An Act authorizing the United States Marshal of the District of Texas, to use the jails of the various counties of the State and Penitentiary for certain purposes.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be lawful for the United States Marshal, for the District of Texas, to use the county jails of the various counties and penitentiary of the State, for the confinement of such persons as may at any time be in his custody, under process from any lawful tribunal or authority, whenever it shall be necessary for him to do so in the discharge of his official duties; and it shall be the duty of the Sheriffs and Jailors of the respective counties, having jails therein to receive such prisoners as may be delivered or tendered to them for safe keeping by the Marshal or his legal deputy, and to safely keep such prisoners until they shall be demanded by the Marshal or his deputy, or discharged by due course of law.

Sec. 2. That the Marshal shall be directly and personally liable to the Sheriff and Jailors for the jail fees, to which they may be entitled for keeping such prisoners as may be committed to their custody by the Marshal or his deputy, under the provisions of this act; provided, that no Sheriff or jailor shall be entitled to charge or receive any greater compensation for keeping prisoners committed to their custody by the Marshal or his deputy, than they may be entitled to charge and receive, for receiving and keeping prisoners under other laws of the State—except when a guard or guards may be necessary, in which case the Marshal shall pay all such additional expenses.

Sec. 3. That any Sheriff or Jailor, in whose county there is a jail, who shall refuse to receive into the jail of his county any prisoner tendered to him by the Marshal or his deputy, as contemplated by the provisions of this act, not having the excuse for such refusal, that there is not room in such jail for the confinement of such prisoner or prisoners, shall be consid-

ered guilty of a misdemeanor and on conviction thereof in the District Court, shall be subject to a fine of not less than fifty dollars.

Approved, August 30th, 1856.

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CHAPTER CLXII.

An Act attaching a portion of Falls County, including Elm Creek, to Bell County.

Section 1. Be it enacted by the Legislature of the State of Texas, That a strip of territory six miles wide on the southwest side of Falls county, adjoining Bell county, including Elm Creek, be, and the same is hereby attached to and made part of Bell county for all county purposes.

Sec. 2. That it shall be the duty of the County Court of Bell county to cause the lines of said county to be run and marked as established by this act, after giving notice of the time and place, twenty days previously thereto, to the Chief-Justice of Falls county. And that this act take effect and be in force after its passage.

Passed, August 30th, 1856.

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CHAPTER CLXIII.

An Act for the relief of Robertson County.

Section 1. Be it enacted by the Legislature of the State, of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue a patent for one league of land to the county of Robertson, located and surveyed in the county of Ellis, as school land for the said county of Robertson; provided, that said survey does not conflict with any previous location or survey.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved, August 30th, 1856..

## CHAPTER CLXIV.

## An Act creating the office of Weigher of Cotton for certain Ports in this State.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be appointed by the Governor, at Indianola and La Vaca, in the county of Calhoun, and at Houston in Harris county, and at Richmond, in Fort Bend county, and at Galveston, in the county of Galveston, respectively, one fit and competent person to superintend the weighing, with his own scales or balances, of such cotton brought to market in the usual bales or packages, as he may be required to weigh. He shall hold his office for three years subject to removal at any time for gross and palpable misconduct. When a vacancy may occur, by death, resignation, removal from office, or from the county; it shall be filed by the Governor, and the person receiving the appointment, shall hold said office three years from the date of his commission. The Governor may make similar appointments, at his discretion, under the provisions of this act, in any other port or ports of this State.

Sec. 2. Every person so appointed, before entering upon the duties of his office, shall take an oath before any officer in the county, authorized to administer oaths, faithfully and impartially to execute the duties of his office, and to make true returns; he shall be in readiness at all times, in business hours, to discharge the duties of his office; he shall have power to appoint and employ one or more deputies, who shall be sworn to perform the duties, and for whose acts, the principal shall be liable. He shall keep a memorandum record of all cotton weighed by him, shall certify the weight in detail, and at the request of purchaser or seller, the merchantable condition of cotton weighed by him.

Sec. 3. He shall be liable to indictment and conviction in any court of competent jurisdiction for malfeasance in office, and for fraud, and on conviction shall be removed from office, and be fined in the discretion of the jury, not less than one hundred nor more than one thousand dollars; he shall also be liable in damages, to the party injured.

Sec. 4. He shall keep accurate and well adjusted scales or balances, and accurate weights, and shall mark with ink, in legible characters, on each bale the weight thereof, and the initials of his name and office.

Sec. 5. He shall be allowed, for each bale weighed, marked and certified by him, eight cents, and shall not be obliged to deliver the cotton so weighed, marked and certified, until said charge be paid and satisfied.

Sec. 6. It shall not be lawful for any person other than a regularly appointed Weighmaster to weigh any cotton offered for sale in said ports, and any person so offending shall be liable to indictment by the Grand Jury of the county, and on conviction, to a fine of one dollar for each and every bale so unlawfully weighed, and imprisonment in the county jail, not less than ten nor more than ninety days, either or both of which punishments may be inflicted at the discretion of the jury; provided, that nothing herein shall be construed to prevent any person weighing his or her or their own cotton.

Sec. 7. That this act shall take effect, and be in force, from and after its passage.

Passed, September 1st, 1856.

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## CHAPTER CLXV.

An Act to authorize the Commissioner of the General Land Office to issue patents upon certain surveys made on the Islands of Mustang, Matagorda, St. Joseph and Hog.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue patents upon surveys made upon the Islands of Mustang, Matagorda, St. Joseph and Hog, by virtue of Land scrip issued by the proper authorities, of the Republic of Texas, to Thomas Toby, William Bryan, and under the provisions of an act for the relief of James Irwin and others, approved June 3d, 1837, provided such surveys were made in accordance with the laws governing surveys; and further provided that such surveys do not conflict with the rights of other parties.

Sec. 2. That the Commissioner of the General Land Office be, and he is hereby required to issue patents to such lands on the Islands herein named, upon the same class of Land Scrip described in this act, whenever the claimants shall prove by the records of the Surveyor's offices of the district in which the same may be situated, duly certified and sworn to by the Surveyor, and also by the evidence of the person acting as legal Surveyor at the time, if living, or if not liv-



ing, by the testimony of two respectable witnesses, as to the genuineness of the entries in said Surveyor's book, that such scrip was located by entries in said Surveyor's office, before the institution of the suit in Galveston county, in the case of "The State vs. Delesdernier," and that said locations or entries have not since been raised or cancelled by the claimants, provided, that in addition to said proof, the land shall be surveyed, and the scrip and field notes returned to the General Land Office, according to the laws of this State.

Passed, September 1st, 1856.

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## CHAPTER CLXVI.

### An Act concerning the Public Printing.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Public Printer be, and he is hereby required to print, for the use of the State, fifteen hundred copies of the General Laws of the State Legislature, in addition to the number now required by law to be printed.

Sec. 2. That the Public Printer shall print the laws and journals of the sixth Legislature, up to the 4th day of February, 1856, as though the Legislature had adjourned sine die on that day.

Sec. 3. That it shall be the duty of the Governor, to contract for and have printed on good paper, and bound in half leather binding, five thousand copies, in one volume, of the Penal Code and Code of Criminal Procedure; which, when completed and delivered, shall be disposed of as is required in the distribution of the general laws; and he may also, if necessary, appoint some suitable and competent person to correct the proof sheets as issued from the press, and to make an index thereto. And this act take effect from and after its passage.

Passed, September 1st, 1856.

CHAPTER CLXVII.

An Act to prevent the sale of vinous, spirituous or other intoxicating liquors, within one mile of Jamestown and Starrville, in Smith county.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall not be lawful for any person or firm to engage in the sale of spirituous, vinous or other intoxicating liquors within one mile around the town of Jamestown and Starrville, in Smith county; and any person or firm guilty of a violation of the provisions of this act, shall be punished according to the fifth section of an act, entitled "an act to authorize the County Courts of this State to grant license for the retail of spirituous, vinous, and (other) intoxicating liquors, in quantities less than a quart, and imposing a license tax, for such privilege, "approved 2d February, 1856." And that this act take effect, and be in force, from and after its passage.

Passed, September 1st, 1856.

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CHAPTER CLXVIII.

An Act to authorize the county court of Rusk county, to grant letters of administration on the estate of Bolling Hall, deceased, late of Cherokee County.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be lawful for letters of administration to be granted in the county of Rusk, on the estate of Bolling Hall dec'd, late of Cherokee county, to any person authorized by law to receive the same, in the same manner and under the same rules and regulations, as if the said Bolling Hall, dec'd, had resided in the said Rusk county at the time of his decease, instead of said county of Cherokee.

Sec. 2. That letters of administration granted on said estate, by the County Court of said county of Rusk, shall be as valid, to all intents and purposes, as if the same had been granted by the County Court of Cherokee county. All laws, and parts of laws to the contrary notwithstanding. And that this act shall take effect from and after its passage.

Passed, September 1st, 1856.

## CHAPTER CLXIX.

An Act making provision for the translating and printing of certain general laws, into the Spanish and German languages.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor be, and he is hereby authorized to have such of the general laws of the present Legislature, translated and printed in the Spanish and German languages as he may deem advisable.

Sec. 2. That the sum of three thousand dollars is hereby appropriated for the purpose of carrying into effect the first section of this act, out of any money in the State Treasury not otherwise appropriated.

Sec. 3. That after the translating and printing of the laws aforesaid, the Governor shall draw his warrant or warrants on the Treasury for the amount thereof, in favor of the person or persons employed to perform said work. And the Treasurer is hereby required to pay such warrants out of the appropriation above mentioned. Provided, that said warrant or warrants shall not exceed the sum of three thousand dollars.

Sec. 4. That this act take effect from and after its passage.

Passed, September 1st, 1856.

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CHAPTER CLXX.

An Act to define the time of holding the District Courts of the third Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the time at which this act takes effect, the District Courts of the third Judicial District shall be held at the times following, to wit: In the county of Washington, on the second Monday of March and September, in each year, and may continue in session three weeks; in the county of Burleson, on the third Monday after the second Monday in March and September, and may continue in session one week; in the county of Milam, on the fourth Monday after the second Monday in March and September and may continue in session one week; in the county of McLennan, on the fifth Monday after the second Monday in March and September and may continue in session two weeks; in the county

of Bosque on the seventh Monday after the second Monday in March and September, and may continue in session one week; in the county of Coryell, on the eighth Monday after the second Monday in March and September, and may continue in session one week; in the county of Bell, on the ninth Monday after the second Monday in March and September, and may continue in session until the business of the court is disposed of.

Sec. 2. All writs and other process which may be issued before the time at which this act takes effect, and which may be made returnable at the times now fixed by law for holding the District Courts in said District, shall be construed to be returnable at the times herein established.

Sec. 3. This act shall take effect and be in force from and after the first day of January, A. D. 1857, and from and after that time all laws and parts of laws conflicting herewith shall stand repealed.

Approved, August 30th, 1856.

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## CHAPTER CLXXI.

**An Act to permit the County of Brazoria to levy a special tax for purposes of Internal Improvements.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the county of Brazoria shall have the power to levy and collect a tax for the purposes hereinafter specified upon all persons and property, real, personal and mixed, within the limits of said county; provided, the same shall not for any one year exceed one-fourth of one per cent ad valorem on property; they may also levy and collect a tax on all Taverns, Groceries, Bar rooms, Tippling Houses, Nine and Ten Pin Allies and Billiard Tables in the county, for the same purpose; provided, said tax shall not exceed double the tax now levied on the same by law in said county; said taxes shall be assessed and collected as other taxes are now assessed and collected for the county of Brazoria, and under such further regulations as may be prescribed by the County Court of Brazoria, and if any person shall fail or refuse to pay the taxes assessed against him or his property, within the time prescribed by the County Court, his property shall be subject to be sold in the same manner as for other taxes levied and collected by said county.

Sec. 2. That no such tax shall be levied unless a majority of two-thirds of all the votes cast at an election to be ordered for that purpose by the Chief-Justice of said county at such time as may be fixed upon by the County Court after twenty days notice, in the manner prescribed for the notice of general elections for said county, shall have approved of such tax; said election shall be conducted by the same officers and in the same manner as other county elections, and the ballots shall read for or against the tax that may be prescribed for ballot; it shall be lawful at any subsequent time, upon the petition of fifty voters of the county, again to take the sense of the voters in the same manner as at the first election, and at intervals of not less than six months upon the same or other internal improvements.

Sec. 3. That after the vote in favor of laying the tax aforesaid, for the improvement aforesaid, the county of Brazoria may issue its bonds in such manner and for such amounts, payable at such times and with such interest as the County Court may deem necessary; provided, that the amount of said bonds shall not be for more than the special tax levied, will pay the annual interest upon which bonds may be used by said county in the construction of any Railroad or Canal, running into or from Brazoria County, or in taking stock or subscription in any such Road or Canal or for the purpose of improving the navigation of the Brazos river from its mouth, (which includes the Bar) to Richmond in Fort Bend county, and it shall not be necessary to renew the order for said tax from year to year, but the same may be regulated by the County Court of said county, from time to time, so as to raise a sufficient amount to pay the interest annually on said bonds, and such instalments of the principal as may be deemed necessary to provide for; provided, that said tax shall not at any time be more than one-fourth of one per cent ad valorem, on property. And this act shall take effect from its passage.

Passed, September 1st, 1856.

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## CHAPTER CLXXII.

An Act amending an act to create the County of Erath.

Section 1. Be it enacted by the Legislature of the State of Texas, That said act be so amended that a part of the boundary line of said county of Erath, shall run as follows: beginning

at the North-East corner of Comanche county; thence South 60 degrees West with the North boundary of Comanche county, five miles; thence North 30 degrees West to a point five miles South 60 degrees West from the present North-West corner of Erath county; thence direct to said North-west corner.

Sec. 2. And that this act take effect from and after its passage.  
Passed September 1st, 1856.

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## CHAPTER CLXXIII.

An Act Supplementary to an act making appropriations for the use and support of the State Government for the years 1856 and 1857, passed 4th February, 1856, and for other purposes.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following sums be, and they are hereby appropriated in addition to appropriations heretofore made for the use and support of the State Government for the years 1856 and 1857.

### JUDICIARY—SUPREME COURT.

For increased salary of three Judges of the Supreme Court. Each one thousand dollars, annually, three thousand dollars.

### DISTRICT COURT.

For increase salaries of fourteen Judges of the District Court, five hundred dollars each, annually.

For salaries of four Judges of the District Court, two thousand two hundred and fifty dollars each, annually.

### COURT OF CLAIMS.

Salary of Commissioner of Court of Claims, annually, two thousand two hundred and fifty dollars, four thousand five hundred dollars.

Salary of Clerk of Court of Claims, one thousand dollars annually, two thousand dollars. Salary of one assistant Clerk, nine hundred dollars annually, or so much thereof as may be necessary.

For the purchase of books and stationery, five hundred dollars.

For furniture for office of Commissioner of Court of Claims, three hundred dollars.

For the purchase of books for General Land Office, under act and in connection with Court of Claims, one hundred and fifty dollars.

#### STATE DEPARTMENT.

For the purchase of additional Furniture for State Department, five hundred dollars.

For distributing Laws and Journals of sixth Legislature, two thousand five hundred dollars.

For pay of extra Clerks to copy laws in due time, one hundred dollars.

#### MISCELLANEOUS.

For pay of Assessors and Tax Collectors for taking census of Scholastic population for years 1856 and 1857, annually, five thousand dollars, or so much thereof as may be necessary, ten thousand dollars.

For pay of Members and officers of 6th Legislature, five thousand dollars.

For pay of contingent expenses of 6th Legislature, five thousand dollars.

For balance pay to James Willie and John W. Harris as Commissioners in preparing Code, revising Statutes, &c., from 11th of February to 21st of July, 1856, at one thousand five hundred dollars per annum, each six hundred and sixty-six dollars and sixty-six cents—one thousand three hundred and thirty-three dollars and thirty-three cents.

Swenson and Swisher for Insurance and transportation of \$120,424 35, in coin, from New Orleans to Austin, for State Treasury, being one and one-fourth per cent on amount—one thousand five hundred and five dollars and thirty-eight cents.

For rent of House for Governor of the State from the 21st December, 1855 to 14th June, 1856, being five months and 24 days, at \$75 per month—four hundred and thirty-five dollars.

For pay and mileage of Electors of President and Vice-President, or so much thereof as may be necessary—five hundred dollars.

For pay of salary of State Engineer and Superintendent—three thousand dollars annually.

For pay of Sub Engineers three thousand dollars annually, or so much thereof as may be required.

For Boats, hire of hands, &c., in making the necessary examination of navigable rivers, Bayous, Lakes and Bays—

three thousand dollars, or as much thereof as may be necessary, all of which appropriations for said rivers and officers shall be taken from the funds set aside for the improvement of the rivers and other navigable waters of Texas.

For salary of Auditor from 1st of January to 24th of March 1856, being two months and 24 days, at one thousand five hundred dollars per annum—three hundred and fifty dollars.

For pay to W. L. Chalmers, for receiving shelving, marking, indexing and acting as Librarian to Supreme Court Library for the year 1855—one hundred dollars.

For pay to Charles Rosignold and Samuel Earl for services as Librarian to the Supreme Court, during the year eighteen hundred and forty-five, at Galveston and Tyler respectively, each one hundred dollars.

For pay of J. M. Massie, as Clerk in the Adjutant Generals office—one hundred dollars.

For Taylor and Murry, amount for pens and boxes—thirteen dollars and twenty-five cents.

For R. H. Peck, as per acct.—forty-five dollars and ninety-two cents.

For John Bremond, as per acct.—thirty-nine dollars and thirty-four cents.

For Sampson and Henricks, as per acct.—seventeen dollars and thirty cents.

For Spence and Tumey, as per acct.—eight dollars and ninety cents.

For F. Dietrich, bal. acct. for furniture—nine dollars and eighty-nine cents.

For pay of two guards for Land Office, from the 17th of May, 1856, to the first of September, 1856, forty dollars per month each—two hundred and eighty dollars.

For pay of two guards for Land Office, from the first of September 1856 to the first of November 1857, at thirty dollars per month each, to be expended at the option of the Governor and Commissioner of the General Land Office—seven hundred and eighty dollars.

For pay for printing Laws and Journals of the 6th Legislature, including Code of Criminal Procedure and Penal Code, newspapers, bills, reports and other printing for adjourned session of the 6th Legislature, or so much as may be necessary, and this appropriation shall include the binding of Codes—twenty thousand dollars.



For purchase of books for State Library, to be expended under the direction of the Governor—five thousand dollars.

For purchase of books for the Supreme Court Library—five thousand dollars.

For pay to Joseph Harrel for expenditure on public building—one hundred and twenty-five dollars.

For pay to Moodie and Bohme, for flagging side walk of public lot—one hundred and eighty-five dollars.

For pay of James S. Gillet, salary as Adjutant General, from January 1st to 4th February, one month and 4 days, at twelve hundred dollars per annum—one hundred and thirteen dollars.

For one hundred dollars annually for H. M. Smith who was permanently disabled in the Cherokee fight, on the 16th day of July, 1839.

Three hundred and fifty-six dollars to F. R. Lubbock, for payment of 2d Class certificate of Public Debt, per. acct. approved August 12th, 1856.

For pay of B. F. Hollingworth for acting as Clerk of investigating committee, from the 8th of August to the 25th August, inclusive, being 18 days at (\$5) five dollars per day—ninety dollars.

Three thousand nine hundred and thirty-four dollars and seventy cents, to be paid to the heirs and legal representatives of Archibald Fitzjerald.

For erecting a tomb over the grave of General E. Burleson, to be expended under the direction of the Governor—three thousand dollars.

The sum of one thousand dollars to aid in enclosing the graves and in erecting a monument over the remains of those who fell in the battle of San Jacinto and were buried on the battle field; to be paid to the Treasurer of the San Jacinto Monumental Association, when he shall file with the Treasurer good and sufficient evidence of the completion of the monument, and the enclosure of the graves, the said enclosure to be of substantial iron rails.

For salary of Chief Clerk of the House of Representatives and Secretary of the Senate, each annually, one thousand dollars, or so much thereof as may be necessary.

For contingent fund, for purpose of buying books, repairing Capitol, &c., annually three hundred dollars, or so much thereof as may be necessary.

The sum of five thousand dollars for the payment of the expenses attending the prosecutions for burning of the Adju-

tant General's office, and for forgeries committed in the Adjutant Generals office, to be paid on the warrant of the Governor and Attorney General and District Attorney of the District, in which such prosecutions were pending.

For pay to J. L. Haynes, for services as Clerk for twenty days, as Clerk of Board of Land Commissioners to investigate land titles, in certain counties therein named, eighty-three dollars and thirty-three cents.

For pay to Payne and Phillips for fitting up the Senate Chamber and Representatives Hall, two hundred and seventy-eight dollars and twenty-three cents; for work done in eighteen hundred and fifty-five.

For compensation to George J. Durham, for services as acting Comptroller, during the absence of James B. Shaw, and for services in the late Auditor's office, from first of April to first of September, five months, at fifty dollars per month, two hundred and fifty dollars.

Two hundred and fifty dollars to be expended by the Governor in the purchase of Pressler's new map of Texas, for the use and benefit of the State, and five hundred dollars, or so much thereof, as may be necessary, to pay for the surveying of Toby scrip, for years for which there is no appropriation. Which sums are authorized to be paid out of any moneys in the Treasury not otherwise appropriated.

Sec. 2. That this act take effect from its passage.

Passed September 1st, 1856.

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#### CHAPTER CLXXIV.

An act to prevent the sale of intoxicating drinks within the limits of the league of land, in Fayette county, granted to Franklin Lewis, on which the town of Ruttersville is situated.

Section 1. Be it enacted by the Legislature of the State of Texas, That no spirituous, or malt liquors, wine or cider, shall hereafter be sold or bartered, or exchanged within the limits of land in the county of Fayette, in said State, granted to Franklin Lewis, on which the town of Ruttersville is situated, or (which shall be a sale within the meaning of this act) given away as a beverage, at a house or establishment on said league of land, where any other article is kept for sale; provided,

always, that if, within two months after the final passage of this act, any fifteen of the citizens of said county resident on said league of land, and qualified to vote for county officers in said county, being dissatisfied with this law, should petition the chief-justice of said county, for an election to test the will of the electors on said league upon this law, and represent their dissatisfaction in said petition, said Chief-Justice shall order an election to be held at said town of Rutersville, by a person and at a time named by him in his order, giving ten days notice by posting said order in three places on said league, and said election shall be held and conducted, and return thereof made in the manner provided by law for county officers, and if a majority of the electors resident on said league, who may vote at said election, should vote in favor of a sale and disposition of liquors, wine and cider as aforesaid, then it shall be lawful to sell and dispose of the same by paying license and doing every other act, provided by law, and not otherwise.

Sec. 2. That any person violating the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof before any justice of the peace of said county, shall forfeit and pay a fine of not less than twenty, nor more than fifty dollars for each and every such offence, and shall by said Justice be committed to the jail of said county, until the fine and all costs be paid, and the prosecution shall be conducted in the manner [name] of said state on the affidavit of any resident of said county, that he or she has good reason to believe that such offence has been committed, and all fines collected under the provisions of this act shall be paid over to the county Treasury, and form a part of the jury fund of said county.

Sec. 3. That this act take effect, and be in force, from and after its passage.

Passed, September 1st, 1856.

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## CHAPTER CLXXV.

An Act to authorize and require the Clerks of the District Courts of the counties of Harrison and Rusk, to apportion the causes on the docket of said court.

Section 1. Be it enacted by the Legislature of the State of Texas, That before the commencement of each and every

term of the District Court of the County of Harrison and Rusk, the District Clerks of said courts shall apportion the causes on the dockets to so many days, and in such numbers to each day as may be deemed most expedient, and no cause shall be taken up (except by consent of parties) for trial or hearing at a day previous to that for which it may be set, and they shall issue the subpoenas for witnesses to attend on the days on which the causes stand for trial; and no witnesses shall be bound to attend in any cause unless specially summoned to each term, and it shall be the duty of the Clerks to keep a regular subpoena docket, and to issue subpoenas before every term of the court for all the witnesses in every case.

Sec. 2. That this act take effect immediately.

Passed, September 1st, 1856.

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## CHAPTER CLXXVI.

### An Act granting certain real estate to the City of Austin.

Section 1, Be it enacted by the Legislature of the State of Texas, That the State of Texas hereby authorizes and empowers the corporation of the city of Austin to take possession and have and exercise absolute control over the following property and real estate, to wit: Lots No. nine (9), ten (10), eleven (11) and twelve (12), in block No. ninety-eight (98), as the same is laid out on the original plat of said city of Austin, at present known and described as the old Capitol property with appurtenances; to have and to hold the same free of charge, for the full term and period of three years, from the date of the passage of this act, and at the expiration of said period of time, the Commissioner of the General Land Office is hereby authorized to relinquish and patent unto the said corporation all her right, title and interest of, in and to the same, provided the said corporation, within said time, erect thereon a good and sufficient Market-House and City Hall, for the use of said city. Provided, that whenever the city of Austin shall convert the same for any other use than that mentioned in this act, the said property shall revert to the State; and further provided that the corporate authorities of the city of Austin, shall execute to the State of Texas, a relinquishment of all claim on the part of said city

to the ground marked on the map, of said city as a market square.

Sec. 2. That the State of Texas hereby relinquishes to the corporation of the city of Austin, all her right, title and interest in the following described property and real estate, to wit: all that certain tract or parcel of land, situated in division B and known and described on the original plat of said city, as the cemetery property.

Sec. 3. That this act take effect, and be in force, from and after its passage.

Passed, September 1st, 1856.

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## CHAPTER CLXXVII.

An Act changing a portion of the boundary of the counties of Calhoun, Victoria and Refugio.

Section 1. Be it enacted by the Legislature of the State of Texas, That hereafter the boundaries of the county of Calhoun, shall be as follows, viz: Beginning and running as heretofore to the west corner of the survey of Voluntine Garcia; thence to the north corner of a survey of a league known as the Juan Nepomocina Seseñeros league; thence with the north west boundary of said survey to the Guadalupe river; thence down said river to its mouth; thence with the main channel of Espiritu Santo Bay to the Steamboat Dug-out; thence south-east to the gulf shore; thence with said shore to the beginning.

Sec. 2. That the portion of territory heretofore belonging to Calhoun county, lying south and west of this boundary, shall belong to and make a part of Refugio county.

Sec. 3. That this act take effect from and after its passage.

Passed September 1st, 1856.

CHAPTER CLXXVIII.

An Act to amend the 8th section of an act to encourage the construction of Railroads in Texas by donation of land, approved January 30th, 1854.

Section 1. Be it enacted by the Legislature of the State of Texas, That the 8th section of said act shall read as follows:

Section 8. That surveys under the provisions of this act shall be made by the Deputies or District surveyors of the District in which the land is situated, and the field-notes shall be recorded in such District, and returned to the General Land Office as other surveys.

Passed September 1st, 1856.

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CHAPTER CLXXIX.

An Act to organize the 17th and reorganize the 2d Judicial District, and define the time of holding Courts therein.

Section 1. Be it enacted by the Legislature of the State of Texas, That the 17th Judicial District shall be composed of the following counties, to wit: Williamson, Burnet, La Salle, Llano, San Saba, McCulloch, Brown and Lampasas.

Sec. 2. That the District Courts shall be held in said District at the following time and places, to wit: In the county of Williamson, on the first Mondays in March and September and may continue in session two weeks; in the county of Burnet, on the third Mondays after the first Mondays in March and September, and may continue in session one week; in the county of La Salle, on the fourth Mondays after the first Mondays in March and September, and may continue in session one week; in the county of Llano, on the fifth Mondays after the first Mondays in March and September, and may continue in session one week; in the county of San Saba, on the sixth Mondays after the first Monday in March and September and may continue in session one week; in the county of McCulloch, on the seventh Mondays after the first Mondays in March and September, and may continue in session one week; in the county of Brown on the eighth Mondays after the first Mondays in March and September and may continue in session one week; in the county of Lampasas, on the

ninth Mondays after the first Mondays in March and September, and may continue in session one week.

Sec. 3. That all writs and process of every kind that have been or hereafter may be issued from the District Courts of any of the counties named in this act, shall be returned to the said Courts as established by this act, and all of said process and writs shall have the same force and effect as if they had been originally returnable; that all cases of appeals from the District Courts named in this act, shall be to the branch of the Supreme Court at Austin.

Sec. 4. That the Governor be and he is hereby required to order an election to be held in said 17th Judicial District, on the first Monday in October in the year 1856, for the election of a District Judge and District Attorney, and the said election shall be conducted in all respects according to law.

Sec. 5. That all suits which may be now pending in any of the District Courts of this State for land situated in any of the counties specified in this act, the Clerks of the several District Courts in which said suits are pending, are hereby required to return all of the original papers in said suits to the District Courts of the counties in which said lands are situated together with a full and complete transcript of all proceedings which may have been had in said suit; provided, that the returns of papers and transcripts, as provided in this section, shall be made by the first of March, 1857; and provided further, that suits pending as in the section aforesaid, may be disposed of before the first of March 1857, in the counties in which they were instituted.

Sec. 6. That the Second Judicial District shall be composed of the counties of Bastrop, Caldwell, Guadalupe, Hays and Travis.

Sec. 7. That the District Court for the county of Bastrop, shall be held on the first Mondays in April and October and may continue in session two weeks; in the county of Caldwell, on the second Mondays after the first Mondays in April and October, and may continue in session two weeks; in the county of Guadalupe, on the fourth Mondays after the first Mondays in April and October, and may continue in session two weeks; in the county of Hays, on the sixth Mondays after the first Mondays in April and October and may continue in session one week; in the county of Travis, on the seventh Mondays of the first Mondays in April and October, and may continue in session until the business is disposed of.

Sec. 8. That all laws and parts of laws heretofore enacted relating to the time of holding the several courts in the said Second Judicial District, be, and the same are hereby repealed, and that all process which has been issued and made returnable to the several courts of said District shall be and are hereby made returnable to the said courts respectively, at the periods of their session, as specified in this act, and that all recognizances and bonds entered into by any person or persons in said courts with reference to the periods of their respective sessions under the law heretofore in force, shall be and are hereby made obligatory upon the parties with reference to the terms of said courts respectively, as prescribed by this act

Sec. 9. That all process made returnable to the District Courts of any of the said counties at the present time, shall be returnable to the terms of said Courts, as herein prescribed.

Sec. 10. That all acts and parts of acts conflicting with this act, be, and they are hereby repealed, and that this act take effect and be in force from and after its passage.

Passed, September 1st, 1856.

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## CHAPTER CLXXX.

### An Act Providing for the Support of Schools.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Treasurer of the State be authorized and required to transfer to the General or State account, the specie now in the Treasury, to the credit of the General School Fund account, and replace the same from the one million five hundred and seventy-five thousand dollars, United States Bonds, now standing to the credit of the State account; and it is hereby made the duty of the State Treasurer, annually on the first day of July, in each year, to transfer the specie then standing to the credit of the School Fund, received from one tenth taxes to State account, and replace the same with United States bonds from the State account, unless otherwise provided by law; that the Special School Fund of two millions dollars, created by "An act to establish a system of schools," passed January 31st, 1854, and that the General School fund, derivable from one-tenth taxes, be, and the same are blended and made one, and the interest arising from the United States Bonds, constituting said fund, and the interest arising from all



monies set aside for school purposes, be, and the same is hereby appropriated to the respective counties, for the use and benefit of the children of said counties, between the age of six and eighteen years, as herein provided.

Sec. 2. It shall be the duty of the Assessor and Collector of each county in the State, during each and every year hereafter, to make out a list of all the free white population in his county, between the ages of six and eighteen years, and transmit the same under his official signature to the County Clerk of the county, and a certified copy to the Treasurer of the State, on or before the first day of July in each and every year.

Sec. 3. That it shall be the duty of the Clerk of the County Court to file and preserve in his office the list aforesaid, furnished by the Assessor and Collector. It shall be the duty of the Treasurer of the State to ascertain from the abstracts transmitted to him by the Assessor and Collector, the aggregate population between the ages of six and eighteen years. And the fund appropriated by this act shall be apportioned among the different counties in the State, according to the number of scholastic population in each county, subject to the order of the County Courts, and payable to the respective county treasurers, upon the order of the County Court, under the hand of the Chief-Justice and seal of the Court, or such amount be placed to the credit of the Assessor and Collector of Taxes of such county, upon his payment into the Treasury of his county, the amount so appropriated to such county, and filing the receipt of the county Treasurer acknowledged by the said Treasurer before the Clerk of the County Court, and by the said Clerk, duly certified under his hand and the seal of his Court, with the Treasurer of the State.

Sec. 4. That it shall be the duty of the County Court, annually, to apportion the said school fund among the children between the ages of six and eighteen years, who may attend any school in their respective counties, in proportion to the time that each child has been taught, upon the teacher's filing with the County Clerk, an affidavit, signed and sworn to by himself, before some officer authorized to administer oaths as to the number of children taught, and the time they received instruction. And said schools are hereby declared "free public schools;" provided, that no child whose entire tuition has

been paid, shall receive any money under the provision of this section.

Sec. 5. That the teacher of each school shall be required to keep a day book, and at the close of his term of teaching shall furnish the County Court with a tabular statement of the names of all the patrons and pupils of the school, the number of pupils sent by each person, and the number of days each pupil attended school, which statement shall be supported by his affidavit, made before some officer authorized to administer oaths, that the same is true and correct. And he shall further make affidavit, supported by the certificate of two responsible house-holding patrons of his school, that he has taught said school for a period of not less than three months. And upon his failure to make said report, he shall forfeit all claim for compensation for services rendered under this act.

Sec. 6. That the County Treasurer of each county shall give bond, with two or more securities, payable to the county in twice the amount of the school fund to which the county shall be entitled, so soon as the Chief-Justice shall be notified by the Treasurer of the State, of the amount to which his county is entitled, which bond shall be conditioned, that he will well and faithfully keep an account of the money to him committed, as a school fund for his county, and pay over the same, only upon the order of the Chief-Justice of the county, under his hand and the seal of the County Court. He shall keep an accurate account of all monies received and paid out by him, to register and number all orders by him paid or accepted, to be paid. He shall, between the first and tenth of the fiscal month of the Treasury of each year, renew his bond; and all suits upon such bonds shall be in the name of the county, and in other respects they shall be governed by the laws regulating the bonds of county Treasurers. If any person or patron of any school is unable to pay his tuition, and the teacher shall be satisfied of the fact, it shall be the duty of said teacher to make out a list of all such patrons together with the amount of money due from each for tuition, and forward the same under oath to the Chief-Justice of the county.

Sec. 7. The Treasurer of the State shall be ex-officio Superintendent of schools. It shall be his duty, after the first day of the fiscal month, in each and every year, to record the abstracts of children of lawful age in different counties, apportion the monies as herein contemplated, distributing to the several counties the amount to which each is entitled, ac-

cording to its scholastic population. And it shall be the duty of the Treasurer to keep a correct account of all the monies and matters appertaining to the school fund, and report to the Governor annually, at the close of the fiscal year, the condition of the school fund, distribution of monies, and such suggestions in regard to the School System as may be deemed advisable. That the fiscal scholastic year shall commence and end upon the fiscal year of the State Treasury. That the County Court of each County, after ascertaining that the patrons returned are unable to pay the tuition, shall make a return of the same to the State Treasurer, who, upon the order of the County Court, under the seal of their offices, in favor of the county, shall pay over to said County Courts their distributive shares of the interest of the School fund; and the County Courts on receiving the same, shall proceed to distribute the same, as required by this act; first providing for those children whose tuition has not been paid from inability of the patrons; provided, that orphan children, and children of widows, who have no other or greater amount of property than is exempted from forced sale, be considered indigent.

Sec. 8. That the Assessor and Collector of each county, for the year 1856 and all succeeding years, shall receive for his compensation, for discharging the duties imposed upon him by this act, twelve cents per child for two hundred children and less; eight cents per child for all less than three hundred and more than two hundred; six cents per child for all less than four hundred and more than three hundred; five cents per child for all less than five hundred and more than four hundred; four cents per child for all less than a thousand and more than five hundred; three cents per child for two thousand and more than one thousand; two cents for all over two thousand. And should the Assessor and Collector refuse or fail to take and report the census of the children as required by this act, he shall forfeit the whole of the compensation allowed, and be fined not less than twenty-five nor more than one hundred dollars, at the discretion of the County Court; and in case of failure from any cause whatever, of the Assessor and Collector, in making a report of the census of his respective county, to the County Clerk, on or before the first day of July, in each year, the County Court shall be authorized to appoint some suitable person to perform said labor, who shall be entitled to the same compensation as allowed to Assessors and Collectors, under this act; provided, he makes his returns by the first

day of September following. Assessors and Collectors, or other persons appointed to take the census of scholastic population, shall not be entitled to compensation for their services, unless their returns are made within the time prescribed by this act.

Sec. 9. That the counties which have not heretofore received their share of the Special School Fund for either years 1854 or 1855 from failure to make returns of their scholastic population, shall be entitled to receive the same upon the following basis, to wit: Those counties that made returns for the year 1854, but none for 1855, shall be allowed an addition of five per cent to the returns of 1854, and the result be placed to the credit of such counties as their share of the fund for 1855. Those counties that made returns for 1855, but failed for the year 1854, five per cent shall be deducted from the return of 1855, and the result be placed to the credit of such counties as their share of the fund for 1854. Those counties that have failed entirely to make returns, shall upon their making due returns for some present year, be allowed a credit for the years so failing, by deducting from the number of children for the year returned, such annual per centage of increase as the aggregate returns of all the counties shown to be increase back to the year 1854. When the Assessor and Collector, or person appointed under the provisions of the previous section, shall fail to make and have on file in the Treasurer's office, by the first of the fiscal month of the Treasury, of each year, returns of the scholastic population of their respective counties, the census returns of such counties, for the previous year, shall be taken as the basis of distribution to such counties and the amount so set aside shall be paid to such counties without regard to returns that may be made to the Treasurer's office, after the date above mentioned.

Sec. 10. The Treasurer of the State shall send to each County Court and to each Assessor and Collector, a copy of this law, and require from each Court an annual report of the number of schools, the number of children, the disposition of the fund, and such other information as will give a correct idea of the condition of the schools.

Sec. 11. The provisions of this act shall only extend to such children as are actually sent to schools of the State. That no school shall be entitled to the benefits of this act unless the English language is taught therein.

Sec. 12. That all laws conflicting with the provisions of this act, be, and the same are hereby thus far repealed. And that this act take effect and be in force from and after its passage.

Approved, 29th August, 1856.

# JOINT RESOLUTIONS.

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## CHAPTER VII.

Joint Resolution asking the establishment of a direct Mail Route from Brownsville to Austin.

Whereas, There is great and urgent necessity that the rapidly improving valley of the Rio Grande should have a more direct communication with the capital of the State than the present tortuous route, therefore,

1st, Be it resolved by the Legislatue of the State of Texas, That our Senators be instructed, and our Representatives requested to use all proper exertions consistent with their official duties, to procure the establishment of a Mail Route between the cities of Brownsville and Austin, via Fort Merrill and San Antonio.

Passed, August 20th, 1856.

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## CHAPTER VIII.

Joint Resolution instructing our Senators, and requesting our Representatives to use their influence to procure the incorporation of the Officers of the late Navy of Texas into the Navy of the United States.

Whereas, There were connected with the great measure of annexation to the Confederacy of which we are now a member, various reciprocal rights and conditions, prescribed by

the terms thereof, as well as others clearly implied and fairly deducible from the same, all of which Texas has on her part fully and completely redeemed;

And whereas, It is the opinion of this Legislature that Commodore E. W. Moore, and the officers of our late Navy under his command, by a liberal and just construction of the terms of annexation, should have been incorporated into the Navy of the United States, in their several ranks, immediately after the consummation of that measure, and that they are justly entitled to the same, as well from the construction here claimed as from their high characters, personal and professional, and from the zeal, fidelity, patriotism and valor with which they sustained the cause of their country during her struggle for independence; therefore,

Section 1, Be it resolved by the Legislature of the State of Texas, That our Senators are hereby instructed, and our Representatives in Congress requested to use their influence to procure the passage of a law by the Congress of the United States, incorporating the officers of the late Navy of Texas into the Navy of the United States, in the rank which they severally held in the late Navy of Texas.

Sec. 2, Be it further resolved, That the Governor be, and he is hereby requested to cause copies of this Joint Resolution to be forwarded to the President of the United States, and to each of our Senators and Representatives in Congress.

Passed, August 20th, 1856.

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## CHAPTER IX.

Joint Resolution relative to Corpus Christi becoming a port of entry.

Section 1, Be it resolved by the Legislature of the State of Texas, That our Senators be instructed, and our Representatives in Congress be requested to call the attention of the Government of the United States to the necessity of making Corpus Christi a port of entry.

Sec. 2. That a copy of these resolutions be forwarded to each of our Senators and Representatives in Congress.

Passed, August 23d, 1856.

CHAPTER X.

*Joint Resolution.*

Be it resolved by the Legislature of the State of Texas, That our Senators in the Congress of the United States, be instructed, and our Representatives be requested, to use every effort to secure the repeal or modification of a law passed by the Congress of the United States, entitled "An Act to establish a Collection District in Texas and New Mexico," approved August 2d, 1854, and that a copy of this resolution be transmitted by the Secretary of State to each Delegate from this State now in the Congress of the United States.  
Passed, August 28th, 1856.

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CHAPTER XI.

*Joint Resolution proposing an amendment to the Constitution.*

Be it resolved by the Legislature of the State of Texas, That the following be proposed as an amendment to the Constitution of the State of Texas, which, when ratified, as provided for by the thirty-seventh section of the seventh article of said Constitution, shall be valid to all intents and purposes, as a part of said Constitution, to wit:

In case a vacancy shall from any cause occur in the office of Judge of the Supreme Court, Judge of the District Court, Attorney-General, District Attorney, Comptroller of Public Accounts, Treasurer of the State or Commissioner of the General Land Office, the Governor shall appoint some suitable person to fill such vacancy, who shall continue to discharge the duties of such office, until the time of the next general election established by law for the election of State or county officers, and until his successor shall have been elected and qualified.

Passed, September 1st 1856.



## CHAPTER XII.

*Joint Resolution.*

1st. Be it resolved by the Legislature of the State of Texas, That the Legislature concurs entirely in the views presented by the Governor of the State in his message to the Legislature on the 27th inst., in reference to the recent act of Congress on the Public Debt of Texas.

2nd. Be it resolved, That the said act of Congress proposing to distribute the balance in the Treasury of the United States, after paying all the claims filed against the State of Texas, under the act of Congress of the 28th of February, 1855, without the concurrence or assent of Texas, is unauthorized and illegal, and in no degree justified by the contemporaneous construction of that act, when Texas accepted the same.

3rd. Be it resolved, That those creditors who have filed their releases, and received their money, under the pro rata distribution of that act, have no claim on the surplus in the Treasury of the United States, which Congress proposes to pay them. Such a payment can only be deemed a gift on the part of the Government of the United States, for which that government is responsible for every cent it pays over to the creditors, entitled to the fund or to the State of Texas.

4th. Be it resolved, That the act in question having been enacted without the least notice to Texas, or waiting for her concurrence or assent; we regard it as nothing short of a violation of that comity which ought to subsist between Independent States, involving a manifest act of public disrespect, whilst the indiscreet haste with which the act was passed, in no small degree aggravates its offensive character.

5th. Be it resolved, That in reference to the ulterior distribution of the surplus remaining in the Treasury of the United States after the payment of the Public Debt of Texas, in accordance with the proclamation of the Secretary of the Treasury of the United States, Texas has a much higher authority to speak than any other government on the earth, and she will speak hereafter with a proper regard to her own sense of Justice and Honor, and the interests of that people over whose character and fortune she is called on to preside.

6th. Be it, in conclusion, resolved, That our Senators in Congress be instructed, and our Representatives be requested

to employ all and every effort in their power to procure at the next session of Congress, a repeal of the act in question. An act as offensive to our pride, as it is invasive of our interests.

Passed, September 1st, 1856.

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CHAPTER XIII.

Joint Resolution instructing our Senators and requesting our Representatives in Congress to ask the President of the United States to review and re-examine the proceedings of the Court-Martial, in the case of Chas. E. Travis, late a Captain in the United States Army, and to lay the same before the Senate of the United States.

1st. Resolved by the Legislature of the State of Texas, That our Senators be instructed and our Representatives requested to use all honorable means to induce the President of the United States to review and re-examine the proceedings of the Court Martial that sat in judgment upon Capt. Chas. E. Travis, late a Captain of the United States army, and if the same can be done, to reverse said finding of the Court, and to reinstate the said Travis.

2nd. Resolved, That our Senators and Representatives be requested to lay the subject referred to, in the above resolution, before the Senate and ask an investigation of the proceedings had upon the trial of the said Capt. Chas. E. Travis, and urge upon the Senate such action as the nature of the case may require. Resolved, That from an examination of a certified copy of the evidence given before the Court-Martial in this case, which is now before the Legislature, we are of opinion that the sentence of the Court was not sustained by the testimony, and is therefore unjust.

3rd. That the Secretary of State is hereby authorized and required to transmit under the great seal of the State, a copy of these Joint Resolutions to the President of the United States and to our Senators and Representatives in Congress.

4th. That these resolutions take effect and be in force from and after their passage.

Passed, September 1st, 1856.

## CHAPTER XIV.

## Joint Resolution.

Be it resolved by the Legislature of the State of Texas, That the Secretary of State be instructed to have printed immediately, five hundred copies of the captions of all the acts and Joint Resolutions passed at the present adjourned session of the 6th Legislature, and that he shall immediately mail three copies of said list, to each member of the present Legislature. The remainder to be disposed of as the said Secretary may think best. The expense of the same to be paid out of the appropriation for the public printing.

And that this resolution take effect and be in force from and after their passage.

Passed, September 1st, 1856.

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CHAPTER XV.

Joint Resolution authorizing the Governor to institute certain suits, if necessary, in relation to the erection and furnishing of the new Capitol.

Section 1, Be it resolved by the Legislature of the State of Texas, That the Governor be, and he is hereby authorized to furnish the Attorney General with a copy of all the testimony and evidence reported by the Select Committee appointed at this session, to investigate all matters relating to the expenditure of the money appropriated for the construction of the Capitol, and the purchase of furniture for the same, and also to furnish the Attorney General with a copy of all bonds entered into by the Commissioners for the erection of the new Capitol, all bonds entered into by the Superintendent of the same, and by the Contractors for the building the same; which said bonds were entered into under the provisions of "An Act to provide for the erection of a Capitol for the State of Texas," approved February 14th, 1852. And also such bonds as were entered into, under the provisions of an act entitled "An Act supplementary to an act entitled an act to provide for the erection of State Capitol, approved February 14th, 1852," approved February 7th, 1853.

Sec. 2, Be it resolved, That it shall be the duty of the At-

torney General to examine said evidence and said bonds, and also to examine the law with reference to said evidence and said bonds, and also in reference to the manner in which the agent—Eli Kirk—for the purchase of furniture for the new Capitol, discharged his duties. It shall be the duty of the Attorney General, after examining the evidence, the bonds, and the law upon the subject, to furnish the Governor with a written opinion as to the remedy (if any) that the State may have upon the facts and law, on the bonds above enumerated, or otherwise, and also if there is any remedy at law against the agent, Eli Kirk, appointed for the purchase of the furniture for the new Capitol, under the law above stated.

Sec. 3, Be it resolved, That upon the reception of the written opinion of the Attorney General, it shall be the duty of the Governor to instruct the Attorney General to commence a suit against all persons against whom the State may have a legal remedy, under the provisions of the acts cited in the first section of these Resolutions. Said suit to be instituted in the District Court of Travis county, and to be conducted by the Attorney General on the part of the State, and to be subject to all rules, pleas, and defence that all other suits, either equitable or legal in this State, are subject to under the laws of this State.

Sec. 4, Be it resolved, That in case the Attorney General shall be necessarily absent during the session of the said District Court, it shall be the duty of the Governor to instruct the District Attorney of the 2d Judicial District to represent the State in said suits. Provided, that should the Attorney General be satisfied, after a full and fair investigation of the subject, that the Commissioners have acted in good faith, or that there is no ground of action against them, he shall certify the same to the Comptroller, who shall thereupon issue a warrant upon the Treasurer for the amount of undrawn salaries due them, which shall be paid by said Treasurer. And provided further, that should suit be brought against said Commissioners, and a verdict be returned in their favor, a certificate of the Clerk of the Court showing that fact, shall be sufficient authority for the payment of balance due them on account of salaries.

Resolved, 5th. That these Resolutions take effect from their passage.

Passed September 1st, 1856.

## STATE OF TEXAS.

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I, Edward Clark, Secretary of State of the State of Texas, certify that the adjourned session of the Sixth Legislature of said State commenced, at the city of Austin, on Monday the seventh day of July, in the year one thousand eight hundred and fifty-six, and adjourned on Monday the first day of September, in the year one thousand eight hundred and fifty-six.

And I further certify, That the Acts and Joint Resolutions contained in this volume are true copies, with the exception of the words embraced in brackets, taken from the original rolls deposited in the Department of State, with which they have been carefully compared.

Given under my hand and official seal, the 22d day of  
[L.S.] November, in the year one thousand eight hundred  
and fifty-six.

EDWARD CLARK.

Note.—The words embraced in brackets were inserted by the Secretary of State in comparing the laws, supposing them to be omissions in enrolling the bills.

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**SPECIAL LAWS**

**OF**

**THE SIXTH LEGISLATURE**

**OF**

**THE STATE OF TEXAS**

**PASSED AT ITS**

**ADJOURNED SESSION CONVENED JULY 7, 1856**

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**BY AUTHORITY.**

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**AUSTIN**  
**1856**



# SPECIAL LAWS.

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## CHAPTER LXXXV.

### An Act for the relief of Jesse Dean.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Auditor be, and he is hereby authorized and required to issue a warrant in favor of Jesse Dean for sixty-four dollars, and the Treasurer is hereby authorized and required to pay said warrant, when presented as the law directs.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved July 11th, 1856.

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## CHAPTER LXXXVI.

### An Act for the relief of the heirs of Carlos Espalier, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to the heirs and legal representatives of Carlos Espalier, who was killed at the Alamo, a certificate for one-third league headright, nineteen hundred and twenty acres bounty, and six hundred and forty acres



donation lands, amounting to four thousand and thirty-six acres; which said certificate, or certificates, to be located, surveyed, and patented according to law. And that this act take effect and be in force from and after its passage.

Approved July 16th, 1856.

## CHAPTER LXXXVII.

An Act to incorporate the City of San Antonio.

### ARTICLE 1.

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Boundaries of the city established.....	2
Creation of wards, and boundaries thereof to be fixed by the City Council ..	3

Section 1. Be it enacted by the Legislature of the State of Texas, That the inhabitants of the city of San Antonio, as the same is hereby and hereafter laid out, and their successors, are hereby constituted a corporation and body politic in fact and in law, by the name and title of the city of San Antonio, and by that name and title they shall have succession, and may sue and be sued, implead and be impleaded, defend and be defended, in all Courts of law and equity, and in all actions and matters whatsoever; they may purchase, receive and hold property, real and personal, within and beyond the incorporated limits of said city; they may sell, lease or dispose of the same, for the benefit of the city, and for the establishment of a hospital, when it shall be found convenient or necessary, and also for a poor-house, work-house, or house of correction, and they may do all other acts as natural persons: they may have and use a common seal, which they may break, alter and change at pleasure.

Sec. 2. The bounds and limits of said city, and within which the said corporation shall exercise lawful jurisdiction, shall include and comprehend a square league, of which the Catholic church shall be the centre; the sides of said square

shall be equi-distant from said church, and run three miles North and South, East and West.

Sec. 3. The city of San Antonio shall be divided into four wards, the boundaries thereof shall be fixed by the City Council hereinafter created, and may be by said Council changed from time to time, as they shall see fit, having regard to the number of free white male inhabitants, so that each ward shall contain, as near as may be, the same number of qualified electors for city elections, and the Mayor and board of Aldermen may establish new wards when they may deem it necessary or expedient.

## ARTICLE 2.

### OF THE MAYOR, CITY COUNCIL AND OTHER CITY OFFICERS.

	Sec.
Mayor and City Council created.....	1
The Mayor shall hold office for two years, and take the constitutional oath .....	2
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Section 1. The qualified voters of said city shall elect a Mayor and board of Aldermen, who shall constitute the City Council, and transact the business of said city.

Sec. 2. The Mayor shall hold his office for the term of two years, and until his successor is duly elected and qualified; and before entering upon the duties of his office, he shall take before the Chief Justice of Bexar county, the oath prescribed by the Constitution of this State.

Sec. 3. No person shall be Mayor, who at the time of his election is not a citizen of the State of Texas, and who shall not have resided within the city limits at least one year next preceding his election, or who holds any lucrative office under the authority of the United States, or of the State of Texas, or who has not paid a city, county and State tax.

Sec. 4. When two or more persons shall have received an equal number of votes for the office of Mayor, a new election shall be ordered and held, in the same manner in which the original election was ordered and held.

Sec. 5. Whenever an election for Mayor shall be contested, the City Council shall determine such contest.

Sec. 6. If the Mayoralty should become vacant by death, resignation, or removal of the incumbent, five Aldermen may elect one of their number Mayor pro tem., and if such vacancy should occur more than three months before the first regular election thereafter to be held, then the Chief Justice of the county shall be, and he is hereby authorized and required to issue forthwith a writ for a new election, which shall be holden in the usual mode, on a day mentioned in said writ, after ten days previous notice thereof; but if the Mayoralty should only be temporarily vacant, then five Aldermen may elect one of their number Mayor pro tem., to fill the vacancy. In all cases, the member exercising the office of Mayor pro tem. shall receive the same compensation to which the Mayor would have been entitled.

Sec. 7. The Mayor may be removed from office for any

misdeemeanor, by the unanimous vote of all the Aldermen, and in such case, a new election shall be ordered forthwith, as provided in the last foregoing section.

Sec. 8. The board of Aldermen shall consist of eight members, two for each ward, chosen by the qualified voters, for two years.

Sec. 9. No person shall be an Alderman unless he be a citizen of the State of Texas, shall have resided within the city limits one year next preceding his election, be a bona fide resident of the ward for which he is elected, and shall have paid a tax on real estate, or on some business upon which a tax has been levied by the city.

Sec. 10. If the Mayor or any Alderman, during his continuance in office, shall cease to possess the qualifications required for his election, his office shall immediately become vacant. If any Alderman shall, after his election, remove from the ward for which he has been chosen, his office shall be likewise thereby vacated.

Sec. 11. Immediately after the board of Aldermen, elected at the first election, shall have assembled, the members of said board shall be divided by lot, in two equal classes, the terms of office of the first class shall expire at the end of the first year, and those of the second class at the end of the second year, so that one half may be chosen every year, and so that one Alderman may be chosen annually in each ward.

Sec. 12. The Mayor shall preside at the meetings of the Aldermen, and he, with four Aldermen, shall constitute a quorum, for the transaction of business; if the Mayor is not in attendance, five Aldermen may meet and act, appointing one of their number chairman for the time being.

Sec. 13. The board of Aldermen shall decide upon qualifications of its own members, and shall determine contested elections.

Sec. 14. The board of Aldermen may compel the attendance of absent members, in such manner and under such penalties as it may prescribe.

Sec. 15. The board may prescribe the rules of its proceedings and punish its members for disorderly behavior.

Sec. 16. If the board be equally divided on any question, the Mayor, if present, shall give the casting vote; but, the Alderman presiding at said board, for the time being, shall not be entitled to give the casting vote in any case, but shall give his vote as a member of the board, and no more. If the

board be equally divided on any question or motion, when the Mayor is not present, such question or motion shall be lost.

Sec. 17. Neither the Mayor nor any Alderman shall vote on any question or motion in which he has a personal, direct interest other than of the citizens at large, or when his interest is opposed to that of the city.

Sec. 18. No Alderman shall, during the time for which he was elected, be appointed to any office in the city government.

Sec. 19. The board shall keep a journal of its proceedings, and as soon as practicable publish the same in one or more of the newspapers of the city; when required by two members, the vote of each member shall be given viva voce, by yeas and nays, and recorded upon the journal.

Sec. 20. All vacancies that may occur in the board, shall be filled by election in the manner provided for the regular elections of Aldermen.

Sec. 21. Each Alderman shall, before entering upon the duties of his office, take before the Mayor, or if the Mayor be impeached, or not yet qualified, or absent, before the Chief Justice of the county, the constitutional oath prescribed for other public officers.

Sec. 22. Whenever there shall be a tie in the election of Aldermen, the oldest member, in point of years, shall have preference, and hold the office.

Sec. 23. The Council shall have known regular days of meeting twice every month, and such other meetings as the business may require, or as the Mayor may call specially.

Sec. 24. A vote of two-thirds of all the Aldermen shall be necessary to levy a tax, to appropriate the sum of one hundred dollars or upwards, for any purpose, and to pass ordinances increasing or diminishing the city revenue; the object of any such ordinance or ordinances shall be clearly and specifically stated.

### ARTICLE 3.

#### LEGISLATIVE POWER.

	Sec.
General powers of the City Council and Mayor.....	1
The right to pass ordinances necessary to carry into effect the foregoing powers granted to the City Council.....	2
Style of ordinances.....	3
Ordinances how proven, and effect thereof in Courts when printed by authority.....	4

Section 1. The Mayor and City Council shall have power by ordinance, and for municipal purposes:

1st. To levy and collect taxes upon all property made taxable by law for State purposes; provided, such tax shall not exceed one-half of one per centum ad valorem on all lots, buildings and lands, and an ad valorem tax not to exceed one-fourth of one per centum, on all slaves within the corporation; also a poll tax of one dollar each on all free white male inhabitants, over the age of twenty-one years, who do not pay a tax to at least that amount on property; and the said taxes shall be collected in such manner as may be provided by ordinance of said city; provided that every person residing in said city, and subject to taxation, shall have at least five days' personal notice that his or her taxes are due, before any costs shall be made against such person on account of non-payment of his or her taxes.

2d. To create, for any special purpose, a loan, and negotiate city bonds for the benefit of said city; provided that the purpose for which said loan is to be affected, shall be made public, and a proposition distinctly submitted to the legal voters of the city, and sustained by a vote of two-thirds of the votes polled to that effect. And for the payment of such a loan, to levy a special tax, over and above the general one already fixed in the foregoing article.

3d. To appropriate money, and to provide for the payment of the debts and expenses of the city.

4th. To establish a hospital, and a poor-house, and to make regulations for the government thereof.

5th. To make regulations to promote the general health of the inhabitants, and to prevent and remove nuisances.

6th. To provide the city with water, fountains and pumps.

7th. To open, alter, abolish, widen, extend, establish, grade, macadamise, pave or otherwise improve, clean and keep in repair streets, public squares, avenues, alleys and lanes, and to secure the safety and convenience of passing.

8th. To establish, erect and keep in repair bridges, culverts, and sewers, and regulate the use of the same; to establish, alter, change and improve the channel of water courses, natural or artificial, and to wall them up and cover them over.

9th. To re-open the old irrigating ditches, within or beyond the present limits of the city, and to regulate all matters connected with the dams, water gates, and distribution of water for irrigation; provided that their ordinances shall not conflict

with private and former established rights; they may revive any part of the rules and regulations formerly established by the Spanish Government as conditions of the grants of irrigated lands; and for this purpose they may appoint overseers, enforce labor upon the same, and shall also have the same powers which are now, by law, conferred upon the County Courts.

10th. To establish, support and regulate night watches and patrols; to provide for lighting the streets, and erecting lamps when necessary.

11th. To erect market houses, to establish markets and market places, and provide for the regulations thereof.

12th. To provide for the erection of all needful buildings for the use of the city.

13th. To provide for enclosing, improving and regulating all public grounds belonging to the city.

14th. To license, tax and regulate auctioneers, grocers, merchants, retailers, taverns, boarding-houses and restaurats; to license, tax, regulate and suppress hawkers, pedlars, brokers, pawnbrokers and money changers.

15th. To license, tax and regulate hackney and other coaches, carriages, omnibusses, wagons, carts and drays, and to fix the rates to be charged for the carriage of persons, and the wagonage, cartage, and drayage of property.

16th. To license, tax, regulate and suppress theatrical and other exhibitions, shows and amusements, exchanges, public balls, fandangoes, and all other places of public amusement or of general resort.

17th. To license, tax, restrain, prohibit and suppress billiard tables, coffee-houses, bar-rooms, and to determine the amount to be paid for such licenses; provided that no gambling establishment nor any other contrary to the laws of the State, or against public morality be sanctioned or covered by such licenses.

18th. To suppress gaming and gambling houses, bawdy houses, and other disorderly houses.

19th. To provide for the prevention and extinguishment of fires, and organize and establish fire companies; also, to regulate, restrain or prohibit the use of grass, wood or other ignitable materials, in the construction of houses, chimneys, stables, or other buildings, in any part of the city; to regulate and prevent the carrying on of any business which may cause or produce fires; to appoint fire wardens and property

guards, with power to remove and keep away from the vicinity of any fire, all idle and suspicious persons lurking near the same, and to compel any person or persons present to aid in extinguishing fires, and in the preservation of property exposed to the same; to compel the owners of houses and other buildings to have scuttles upon the roofs of any such houses and buildings, (and stairs) or ladders leading to the same.

20th. To regulate and order the cleaning of chimneys, and to fix fees therefor; to regulate and fix the length of stovepipes outside of the roofs or walls.

21st. To order and regulate the building of partition and parapet walls, and partition fences.

22d. To establish and regulate the weights and measures to be used in the city, in all cases not otherwise provided by law.

23d. To provide for and regulate the inspection of brands, of beef, pork, flour, meal, whiskey and other spirituous liquors.

24th. To regulate the inspection of butter, lard and other provisions, as well as the vending of meat, poultry, vegetables, fruit, and all edibles offered at the market or elsewhere.

25th. To regulate the weight and quality of bread to be sold and used in the city, and generally everything relating to bakers, butchers, tavern keepers, restaurats, eating houses and bar-rooms, except the price of the articles vended.

26th. To provide for the taking of an enumeration of the inhabitants of the city.

27th. To regulate the conduct of slaves and free persons of color.

28th. To provide for the appointment and removal of Marshals and other inferior officers, agents, and servants not made elective by the provisions of this act, and to fix the compensation of all such officers, agents and servants.

29th. To regulate the police of the city, to impose fines, forfeitures and penalties, for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties.

30th. To convert into a work-house and house of correction half of the County Jail, until a separate building may be erected for that purpose, and to provide for the regulations and government thereof.

31st. To remove all obstructions from the side walks; to provide for the construction and repair of all side walks and curb-stones, and for the cleaning of the same, and of the gut-



ters at the expense of the owners of the ground fronting thereon. Also, to provide for the numbering of houses and lots.

32d. To prevent and restrain any riot, rout, noise, disturbance, or disorderly conduct in any street, house or place in the city.

33d. To prevent and remove all encroachments into and upon all streets, lanes, avenues, alleys, or any other public property.

34th. To establish a suitable place to impound dogs, hogs, horses, cattle, and other animals that may be found running at large in the city, in violation of the ordinances, and to regulate the charges, fines and costs, for the recovery of the same by their owners, and to provide for their forfeiture.

35th. To exercise entire and complete control over the common and all other property belonging to the city, real or personal, whether lying within or beyond the limits of the corporation created by this act, and the same to lease, sell, transfer or dispose of, either absolutely, conditionally, or with limitation to any person or persons whatsoever, and generally to make such rules, regulations, by-laws and ordinances, for the purpose of maintaining the peace, good government and order of the city of San Antonio, and the trade, commerce and manufactures thereof, as the City Council may deem expedient, not repugnant to the Constitution or general laws of this State; also, to enforce the (observance) ordinance thereof by imposing penalties for violation of the same, not exceeding one hundred dollars for any one offence, recoverable with costs, before the Mayor of said city, in the name and for the use of the city of San Antonio.

36th. To establish, regulate and superintend common schools.

Sec. 3. The style of all ordinances of the city shall be: Be it ordained by the City Council of the city of San Antonio.

Sec. 4. All ordinances of the city may be proven by the record thereof, or by a copy signed by the Mayor, in his official capacity, and attested by the Secretary, with the seal of the corporation affixed, if there is a seal, and when printed and published by authority of the corporation, the same shall be received in evidence, in all Courts and other places, without further proof.

ARTICLE 4.

EXECUTIVE AND MINISTERIAL OFFICERS.—THEIR RESPECTIVE DUTIES.—ASSESSMENT AND COLLECTION OF TAXES.

	Sec.
Mayor to be Chief Executive Officer shall have the power of a Justice of the Peace .....	1
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Duties of the City Marshal .....	10
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Section 1. The Mayor shall be the Chief Executive Officer of the city; he shall have the power of, and concurrent jurisdiction with a Justice of the Peace, over all criminal matters and misdemeanors that may arise within said corporate limits, and which by the existing laws are cognisable before Justices of the Peace; he shall also have jurisdiction over all charges for violation of the city ordinances, and shall have the right to issue process, hear and determine all cases arising from violation of the city ordinances; and to enforce, by proper process, the due execution of all judgments rendered thereupon; provided that in all causes pending before the Mayor, either party may demand a trial by jury, and upon such demand being made, the Mayor shall call a Jury and the trial shall be had in the same manner as is provided by law

for trials by Jury in the Justices Courts of the State; and any party to any judgment that may be rendered by the Mayor of said city shall be entitled to a writ of certiorari to remove the same, and all proceedings in the cause to the District Court of Bexar county, in the manner provided by law for certioraris from judgments rendered by Justices of the Peace.

Sec. 2. The Mayor shall have the right to charge and collect, in all cases, the same fees which are now allowed to Justices of the Peace for the like services; he shall also receive a salary not to exceed \$500.00 per annum; which salary shall not be increased except by the unanimous vote of all the members of the Council.

Sec. 3. The Mayor shall have power to nominate, and by and with the consent of the board of Aldermen, to appoint all city officers, not ordered by this act to be otherwise appointed; he shall be a conservator of the peace, and enforce the laws of the State and the ordinances of the city within the incorporated limits of the city; he may, in his discretion, remit fines, forfeitures, and penalties imposed in cases tried before him; he may fill all vacancies which may occur in any elective office, other than that of Alderman, until the same be filled by election; he shall, from time to time, give to the City Council information relative to the state of the city, and shall recommend to their consideration such measures as he may deem of advantage to the city.

Sec. 4. The Mayor may call special sessions of the City Council, by sending personal notice to the members, and when assembled, he shall state to them the cause for which they have been convened.

Sec. 5. There shall be a City Marshal, a Treasurer, a Secretary, an Assessor of Taxes, a Collector of Taxes, a City Attorney, a City Surveyor and Engineer, all of whom shall in addition to the duties prescribed by this act, perform such other duties as may be prescribed by ordinances; there shall also be such other officers, servants and agents of the corporation, as may be provided by ordinance; who shall be appointed by the Mayor, by and with the advice and consent of the board of Aldermen, and perform such duties as may be prescribed by ordinance.

Sec. 6. The City Treasurer, Collector of Taxes, City Attorney and City Surveyor and Engineer shall be elected by the qualified electors for the offices of Mayor and Aldermen, and in the same manner; the City Secretary, City Marshal and

the Assessor shall be appointed by the Mayor, by and with the advice and consent of the board of Aldermen; all the officers above named shall hold their offices for one year, and until their successors are duly qualified.

Sec. 7. The Treasurer, Marshal, Assessor and Collector of Taxes shall, before entering upon the duties of their offices, take the constitutional oath before the Mayor; they shall also give bond with two or more sufficient sureties, except the Collector of Taxes, who shall give four such sureties, to be approved by the Mayor, in such sum as the Council shall determine, which bonds shall be made payable to the city of San Antonio, and conditioned for the faithful performance of their respective duties, as they shall be, from time to time, defined by said Council, and if either said Treasurer, Marshal, Assessor and Collector of Taxes shall refuse or neglect to give bond as required, within a reasonable time to be fixed by said Council, such officer or officers may be removed by the Mayor, by and with the consent of the majority of the board, and a new election ordered to supply the vacancy or vacancies, or a new officer appointed, according to the nature of the office.

Sec. 8. It shall be the duty of the City Treasurer to receive and keep the money of the city, and to pay out the same by order of the Council, evidenced by draft, signed by the Mayor, and attested by the Secretary, and he shall make reports to the Council under oath, of the state of the finances of the corporation, from time to time, as they may order, and the City Council, or a committee of the same may at any time examine into the state of said finances, and inspect the books, papers and accounts of the Treasurer, and therefrom ascertain whether the said Treasurer faithfully performs his duties.

Sec. 9. The Treasurer shall be entitled to receive and may retain such amount as the Council may in its discretion allow, not exceeding five per cent., on all moneys that may come into his hands by virtue of his office.

Sec. 10. It shall be the duty of the City Marshal to attend the Council in session, and preserve order; to execute and return all writs legally issued to him by the Mayor, in the same manner, and with the same power as provided by the laws of the State defining the duties of Constables, and he shall be entitled to the fees allowed to Constables, for similar services.

Sec. 11. The Secretary of the corporation shall act as Clerk of the board of Aldermen; it shall be his duty to enter

in one or more well bound books all the rules, ordinances, regulations, by-laws and proceedings of the Council, and to record all the official acts of the Mayor, and when necessary to attest them; he shall keep and preserve in his office the common seal of the city, and all records, public papers and city documents not properly belonging to any other office, and he shall perform all other duties which, in addition to this act, shall be prescribed by ordinance. The Secretary shall be entitled to charge the same fees as those allowed by law to County Clerks, for similar services, and he shall also receive such other and further compensation as the Council may allow him.

Sec. 12. The Mayor and all other officers of the corporation shall reside within the limits of the city, during their continuance in office, and if the Mayor of the corporation shall cease to reside within the limits of the same, his office shall thereby become vacant.

Sec. 13. The City Council are hereby authorized to expend any sum not exceeding \$200.00 in one year, for the ordinary salary and fees of the City Attorney, whose regular duties shall be defined by ordinance.

Sec. 14. It shall be the duty of the City Surveyor and Engineer to superintend the construction of all public works and buildings ordered by the City Council, to make out plans and estimates thereof, and to perform all surveying and engineering ordered; his fees shall be fixed by the City Council.

Sec. 15. It shall be the duty of the Assessor to assess and return within the time fixed by the board, all property subject to taxation, and to make out a list of such property, and of persons chargeable with a poll tax, describing as near as possible the quantity, metes and bounds of real estate, and the value of the ground and that of the improvements separately. The assessments shall be made according to law, and the directions given by the City Council.

Sec. 16. Every person who shall consider himself aggrieved by the assessment of his property, may appeal to the board of Aldermen; every such appeal shall be made in writing, and shall state specifically the reasons therefor.

Sec. 17. The board shall hear and determine all such appeals, in a summary manner, correct any errors which they may discover in the assessment list; they may place upon such list any assessable property, not already listed, and increase or diminish any assessment, as they may see fit.

Sec. 18. When the board shall have corrected and adjusted said list, the Secretary shall make out a corrected list, and enter the amount of taxes due from each person; the Mayor shall certify said list, and it shall be immediately delivered to the Collector who shall give a receipt for the aggregate amount thereof, which shall be charged to him.

Sec. 19. If after or before payment of taxes by any person, any error is discovered in amount, such error shall be corrected by the board, on application in writing, and the over-charge, if paid, shall be refunded to the person having paid the same.

Sec. 20. The compensation of the Assessor shall be fixed by the board, having reference to the time fixed for such assessment.

Sec. 21. The principal duties of the Collector of Taxes shall be to collect all taxes according to the list placed in his hands for collection; to issue and deliver all licenses, to collect the amounts due therefor, to give receipt for the same, as well as for all other amounts of money paid him for taxes, and for that purpose said Collector shall keep a book containing printed blank receipts, as well as corresponding marginal summaries; and before the delivery of any receipt, he shall fill up a blank therefor, as well as the corresponding marginal summary in said book, with the date, name of the person, and amount and character of the fund paid; he shall sever said receipt from said book, leaving therein the corresponding marginal summary as a permanent register of his office, subject to public inspection; he shall also produce said register at every regular meeting of the board. The Collector shall also pay over to the Treasurer, on Saturday of each week, all money collected by him on behalf of the city, in the same funds received by him, taking duplicate receipts therefor, one of which shall be filed with the City Secretary on the next Monday thereafter.

His other duties shall be:

To require all persons doing any business for which a license may be necessary, to take out such license;

To report to the Mayor all persons engaged in any business illegally or without license;

To report to the Mayor, under oath, on the last Saturday of each month, the whole amount of money and city paper received, and payments made by him into the Treasury during the month preceding;

To report to the board of Aldermen from time to time a list of all taxes which, from any cause, cannot be collected;

To give notice, within one week after receiving the tax list, by posting up in the most public places of the city, for ten days, written or printed papers, stating that the tax list is in his hands, that said taxes are due and payable to him, and where the same may be paid;

To demand payment of taxes at the place of abode or business, if known to him, of all persons who may have failed to make such payment, leaving at such place a written or printed notice of the amount of taxes due;

And generally to comply with all other regulations made and provided for the collection of city taxes.

Sec. 22. The Collector shall be entitled to receive, and may retain such amount as the Council may, in its discretion, allow, not exceeding five per cent., on all moneys collected by him.

## ARTICLE 5.

### OF ELECTIONS.

	Sec.
General election for officers to be held annually on the fourth	
Monday of December .....	1
Votes shall be given by ballot .....	2
Judges of elections shall be appointed, by whom, their duties...	3
Where elections shall be held .....	4
When the officers elected shall enter upon the discharge of their	
duties .....	5
Who shall be deemed qualified voters at city elections .....	6

Section 1. A general election for all the officers of the corporation required to be elected by this act, shall be holden on the fourth Monday in December of each and every year, public notice thereof being given, at least ten days preceding the election, by the Mayor, and if the Mayoralty is vacant, by the Chief-Justice of the county.

Sec. 2. At all elections for city officers, the voters shall vote by ballot, and only in the wards wherein they respectively reside.

Sec. 3. Presiding officers of elections shall be appointed by the Mayor or the officers ordering the election, in conjunction with the board of Aldermen; the election shall be conducted as provided by law for elections of State officers—the

result of such elections shall be ascertained and certified in presence of so many of the candidates and other persons indiscriminately, as may be present and can be conveniently accommodated in the room selected for the purpose. The returns shall be made to the officer ordering the election.

Sec. 4. No election shall be held in any place where intoxicating liquors are vended.

Sec. 5. The Mayor, Aldermen and other officers elected at such elections, shall enter upon the discharge of the duties of their offices, on the first Monday of the month of January next, succeeding the election.

Sec. 6. Every free male white person, over the age of 21 years, who shall have resided six months within the city limits, and one month within the ward where he offers to vote, shall be entitled to vote at all city elections.

## ARTICLE 6.

### OF OPENING AND IMPROVING STREETS.

	Sec.
City Council shall not grade &c; owners of lots fronting private alleys may be ordered to keep them clean .....	1
Compensation to be paid for private property taken for public use—when and how paid—how ascertained, &c., .....	2
Mayor may set aside the appraisement and order a new one ....	3
Power to levy a special tax for paving, &c., .....	4
City Council shall provide for the redemption of property sold for city taxes, .....	5

Section 1. It shall not be lawful for the City Council to grade, pave, macadamise, clean, water or light any street, lane or avenue, not established and opened according to law or ordinance, or not existing under previous governments; it shall be lawful nevertheless, for the city council to order the owner or owners of ground fronting on any private alley to keep the same clean, and if necessary, to direct him or them to pave the same.

Sec. 2. When the City Council may deem it necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the corporation, before taking said property, shall pay a just compensation to the owner of the same. If the amount of such compensation



cannot be agreed upon, the Mayor shall cause a jury of seven disinterested freeholders to be summoned, who shall be sworn to make a true appraisement, and a majority of whom shall appraise such property, and assess the benefits which may accrue to such owners, and make a return thereof in writing to the Mayor; and the balance of damages, as returned by the jury, if any, shall be deposited in the city treasury, subject to the order of such owner or owners, of which deposit notice shall be given forthwith; and no property shall be taken for the purposes aforesaid until after such deposit made and notice given; provided that no party petitioning for the opening, widening or altering of any street, lane, avenue or alley, as aforesaid, shall receive any such compensation; and if the benefits accruing to such party petitioning shall exceed the value of his property taken, the same shall also be assessed by a like jury, and such party shall pay such excess, and the City Council shall, by a general ordinance, provide for the payment of any such excess.

Sec. 3. The Mayor shall have power for good cause shown, within ten days after any return made, as mentioned in the preceding section, to set the same aside, and cause a new appraisement to be made.

Sec. 4. The Mayor and City Council shall have power by ordinance to levy and collect a special tax on the owners of lots fronting on any street, lane, avenue or alley, according to the fronts respectively owned by them, for the purpose of paving, macademising or grading such street, lane, avenue or alley; provided always, that such tax shall not exceed one-half of one per centum.

Sec. 5. The City Council shall have power to provide by ordinance, for the redemption of any property, real or personal, advertised for sale or sold for taxes, by authority of the corporation; said Council shall also have power to regulate the levy, advertisement and sale of such property.

## ARTICLE 7.

### MISCELLANEOUS PROVISIONS.

	Sec.
Certain ordinances continued in force .....	1
Suits by the city, how brought .....	2
All actions &c., heretofore accruing to the city of San Antonio, vested in this corporation .....	3
This act declared a public act .....	4

A digest of the city laws to be published, when? .....	5
Certain former laws repealed .....	6
Present City Council vested with certain powers .....	7
Charter, when to take effect .....	8

Section 1. All ordinances and resolutions now in force, in the City of San Antonio, not inconsistent with this act, shall remain in force until altered, modified or repealed.

Sec. 2. All suits, actions and prosecutions by the corporation hereby created, shall be instituted and prosecuted in the name of the city of San Antonio.

Sec. 3. All actions, fines, penalties and forfeitures which shall have accrued to the city of San Antonio, before this act takes effect, shall be vested in and prosecuted by the corporation hereby created.

Sec. 4. This act is declared to be a public act, and shall be judicially taken notice of in all courts of this State, and the same may be read in evidence from the printed Statute books, in all courts of law and equity without proof.

Sec. 5. As soon as practicable, this charter shall be published by the city authorities, together with a digest of all ordinances of a general nature.

Sec. 6. All laws and parts of laws conflicting with the provisions of this act, and especially an act entitled An Act to incorporate the city of San Antonio, approved January 14th, 1842, as well as an act to amend the same approved the 26th day of November, 1855, are hereby repealed.

Sec. 7. The present Mayor and City Council shall exercise all the powers and functions vested in the Mayor and Council by this act, until superseded by the officers elected under the same, and they shall, also, as soon as practicable, after this act goes into effect, proceed to take an enumeration of the free, white, male inhabitants of the city, and to divide said city into wards as herein before prescribed, so that the next city election, to be holden, on the fourth Monday in December next, may be held according to the provisions of this charter.

Sec. 8. That this act shall take effect and be in force from and after the 1st day of July, 1856.

Approved, July 17th, 1856.

## CHAPTER LXXXVIII.

## An Act to incorporate the Galveston Island University.

Section 1. Be it enacted by the Legislature of the State of Texas, That George Ball, Alfred F. James and F. H. Merriman, with their associates elected by them, and their successors in office, be, and they are hereby constituted a Board of Trustees of an Institution or College of learning, to be established on the Island of Galveston, in Galveston county, at such point as said Trustees may designate, which said institution or College is hereby incorporated by the name of the "Galveston Island University." By which name it may sue and be sued, plead and be impleaded, and buy and sell property, real, personal and mixed, and hold the same, and may have a common seal for the transaction of its business, which seal it shall have power to make and alter at pleasure.

Sec. 2. Said Board of Trustees shall not be less than five, nor more than thirteen in number, a majority of whom shall constitute a quorum to transact all business for the corporation. They shall have power to make such by-laws as they may think necessary for the government of said Corporation and its finances. They shall have power to elect their successors, their own officers, appoint their own committees, and to examine into any branch of said University, and shall hold their offices until their successors are elected and ready to act.

Sec. 3. Said University shall possess all the privileges granted to institutions of learning of the highest grade, and shall not hold more than one hundred thousand dollars worth of property over and above the University buildings and ground belonging to the same, and their Library and Scientific instruments and apparatus.

Approved, July 18th, 1856.

## CHAPTER LXXXIX.

An Act to amend an act entitled "An Act to incorporate the city of San Antonio," approved on the seventeenth day of July, A. D. 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the eighth section of article seven of an act en-

titled "An Act to incorporate the city of San Antonio, approved on the seventeenth day of July, A. D. 1856, be so amended as to read as follows, to wit: That this act shall take effect and be in force from and after the first day of September, A. D. 1856.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved, July 19th, 1856.

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## CHAPTER XC.

An Act authorizing William D. Dillon to practice Law.

Section 1. Be it enacted by the Legislature of the State of Texas, That William D. Dillon is hereby authorized and permitted to exercise all the privileges and immunities of an Attorney at law in the Courts of this State; and that this act take effect from its passage.

Passed, July 23d, 1856.

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## CHAPTER XCI.

An Act supplementary to and amendatory of an act to amend an act supplementary to an act to establish the Galveston, Houston and Henderson Railroad Company, approved January 10th 1854, and approved January 23d, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That if the Galveston, Houston and Henderson Railroad Company, shall complete twenty-five miles of its road and have the same in running order on or before the first day of May, 1857: it shall be entitled to receive from the State sixteen sections of land a mile, therefor, under the provisions of an act to encourage the construction of railroads in Texas by donation of lands, approved January 30th, 1854, and upon the completion of twenty-five miles of said road within each year after the said first day of May, 1857: the said company shall be entitled to receive sixteen sections of land a mile therefor, under the provisions of the said act until the same be repealed or expire by limitation.

Sec. 2. That the said company shall be and is hereby

allowed until the first day of November, 1857, to complete forty miles of its road in order to save its charter from forfeiture.

Sec. 3. That this act is passed and these privileges are granted to said company upon the following terms and conditions: 1st. That said company abandons all claim or right to land from the State, under its charter or any other law of this State, except the said act to encourage the construction of railroads in Texas by donations of land, approved 30th of January, 1854. 2nd. That said company shall within six months from the passage of this act, establish its principal office of business within this State and keep therein all its records, and shall continue thereafter to keep said office and records within this state. 3rd. That all future meetings of the said company for the election of the Directory and officers shall be held within this State. 4th. That at the expiration of twelve months from the election for directors and officers, heretofore held, or within six months from the passage of this act, a majority of the directors shall be residents and citizens of the State of Texas, and forever thereafter a majority of said directors shall be residents and citizens of Texas.

Sec. 4. That if the said company accepts the benefits of the first and second sections of this act, or either of them, the same shall be considered as an acceptance and assent to the terms and conditions specified in paragraphs one, two, three and four; of the third section of this act, and if the said company shall fail in all respects to comply with the said terms and conditions specified in the said 3rd section, it shall take no rights or benefits under said first and second sections, and after accepting the benefits of the said first and second sections if the said company shall fail to comply with any of said terms and conditions, its charter shall be forfeited.

Sec. 5. That this act shall take effect from and after its passage.  
Approved, July 24th, 1856.

CHAPTER XCII.

An Act for the relief of Thomas J. Jordan.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to Thomas J. Jordan an augmentation certificate of the second class, for two-thirds of a league and one labor of land, which certificate may be applied by the commissioner to the field-notes of the surveys heretofore made by the surveyor of Robertson District, for said Jordan, under his augmentation certificate issued by the Board of land commissioners of Harrisburg county, provided there be no adverse location upon said land.

Sec. 2. That this act take effect from and after its passage.

Approved, July 28th, 1856.

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CHAPTER XCIII.

An Act for the relief of the heirs of William Watson deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to the heirs of William Watson deceased, a certificate for one league and labor of land, which may be located, surveyed and patented as other first class headright certificates.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed, July 29th, 1856.

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CHAPTER XCIV.

An Act to Incorporate Luther Rice Baptist Female Institute.

Section 1. Be it enacted by the Legislature of the State of Texas, That Jesse Witt, William H. Stokes, S. W. Granberry, A. D. Lister, E. Beall, G. G. Gregg, G. C. Dial, E. Greer, J. B. Webster, Levin Perry, S. P. Hollinsworth, J. J. Kennedy, J. W. Webb, William M. Freeman, A. E. Clemmons, William Evans, B. F. Dial, James F. Taylor, C. A.

Frazer, C. M. Adams and J. Marshall, be, and they are hereby incorporated a body politic, under the name and style of the Trustees of the Luther Rice Baptist Female Institute, capable of suing and being sued, of pleading and being impleaded, of holding property, real, personal and mixed, of selling and conveying the same, and of doing and performing whatever else may be proper and necessary to be done for the advancement of the interest of said Institution; in accordance with the Constitution and laws of the State.

Sec. 2. That this charter and privilege shall extend to said Trustees and their successors in office so long as they confine the benefits of the same to the advancement of the sciences and the promotion of useful learning to the rising generation, which institution shall be accessible alike to all without respect to opinions in religion or politics.

Sec. 3. That the Trustees shall have full power to enact By-Laws, rules and regulations for the government of said Institution as may be necessary for said object.

Sec. 4. That the number of Trustees shall not at any time exceed twenty-one, nor be less than fifteen, two-thirds of whom, and not more, shall be members of the Baptist church.

Sec. 5. That the Institution hereby created shall be located at or near the town of Marshall, in Harrison county.

Sec. 6. That this act take effect from and after its passage.

Passed, August 5th, 1856.

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## CHAPTER XCV.

An Act to establish and incorporate a literary Institute, under the supervision and control of the eastern Texas annual Conference, located at the town of Starrville, in Smith county Texas.

Section 1, Be it enacted by the Legislature of the State of Texas, That an Institution of learning be, and the same is established at or near the town of Starrville, in the county of Smith, to be denominated the Starrville Female High School, under the supervision and control of the Eastern Texas Annual Conference of the Methodist Episcopal church, South.

Sec. 2. That the following persons have been duly chosen trustees of said High School, by the said Conference, and are or-

ganized as such, to wit: J. W. Starr, D. S. Nance, J. R. Vannoy, W. H. Stewart, H. H. Curl, Joseph McDougal, Josiah Ogburn, C. M. Wiley, D. F. Barcroft, O. Fisher, J. W. Fields F. M. Stoveall and J. C. Wallam.

Sec. 3. That the trustees aforesaid be, and they are hereby constituted a body politic and corporate in deed and in law, and by the name of the President and Trustees of Starrville Female High School, under the supervision and control of the Eastern Texas annual Conference of the Methodist Episcopal church, South, and by that name, they and their successors in office, shall and may be capable, in law, to have and receive, to hold and use all lands and tenements, monies, and hereditaments of any kind, in fee, or for life, or for a term of years; for the use and benefit of the said Eastern Texas annual Conference of the Methodist Episcopal church South; and also property of any kind whatsoever, and also all sums of money, which may be given, granted or bequeathed to them for the purpose of promoting the interests of said High School; provided the amount of property owned by said corporation, shall not at any time exceed one hundred thousand dollars over and above the buildings, library and apparatus necessary for said High School.

Sec. 4. That the Trustees of said High School, shall have a stated meeting of the board each year, at the time of conferring degrees, and that the President of said board shall have the power to call an occasional meeting of the board when he may see it necessary; and that in his absence the Vice-President may call such meeting and preside at the same.

Sec. 5. That the Trustees of said High School may, and shall have a common seal for the business of themselves and their successors in office, with liberty to change and alter the same from time to time, as they shall think proper, and that they, by their aforesaid name, and their successors in office may, and shall be able to sue and be sued, plead and be impleaded in all courts of law and equity in this State, and by and with the consent of said Eastern Texas annual Conference of the Methodist Episcopal church, South, to grant, bargain, sell or assign any land, tenements, goods or chattels now belonging, or may hereafter belong to said High School; to construct all necessary buildings for the same, and to construct a preparatory department, and such other dependant institutions as they shall deem necessary; to have the management of the finances—the privilege of electing their own sub-officers, of



appointing all necessary committees, and to act and do all things, whatever, for the benefit of said High School, in as ample a manner as any person or body politic or corporate, can or may do by law.

Sec. 6. That said Trustees shall have the power of framing and enacting all such ordinances and by-laws, as shall appear to them necessary for the good government of the school, and their own proceedings; provided, the same be not repugnant to the Constitution and laws of the State.

Sec. 7. That the Head of this High School shall be styled the President, the instructors employed in it, the professors, who shall be appointed by said Eastern Texas Conference.—And the President and Professors or a majority of them, the faculty of said High School, which faculty shall have power to enforce the ordinances and by-laws, adopted by the Trustees of said High School for the Government of the students in the same.

Sec. 8. That the President and Professors shall have full power, by and with the consent of the Trustees of said High School to grant and confer such degree or degrees, in the arts and sciences, to any of the students of said institution, or other persons by them thought worthy, as are usually granted or conferred in other Colleges or Seminaries of learning, and to give diplomas, or certificates of the same, signed by them and sealed with the common seal of the Trustees of said High School, to authenticate and perpetuate the memory of such graduation.

Sec. 9. That whenever any vacancy occurs, either by death, resignation or otherwise, in the board of Trustees, such vacancy shall be filled by said Conference.

Sec. 10. That all necessary sub-officers in the board of Trustees, for said High School, shall be elected by a majority of the board.

Sec. 11. That whenever vacancies shall occur in the Presidency or Professorships of said Institute, the same shall be filled by said Conference.

Sec. 12. That the Trustees or a majority of them, by and with the consent of said Conference shall have the power of fixing the salaries of all the officers and instructors connected with the High School: and of removing any of them for neglect, or misconduct in office, a majority of the board of Trustees concurring in said removal.

Sec. 13. That no misnomer of said High School shall

annul or make void in law or equity, any gift, grant or bequest made to the same.

Sec. 14. That the President and Professors of said High School shall not be eligible to act as Trustee or Trustees for the same, and in case any of the Trustees shall hereafter be employed to discharge any of the duties of those functionaries, to wit: Professors of said High School, he or they shall resign their office as Trustees before entering on the duties assigned him or them.

Sec. 15. That when any law, rule or resolution may be passed by the board of Trustees at a regular or stated meeting of said Board, it shall not be competent for a called meeting of said board, to repeal or rescind such law, rule or resolution unless there is a full board present. And that this act shall take effect and be in force from and after its passage.

Passed, August 5th, 1856.

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#### CHAPTER XCVI.

An Act to amend the first, tenth, eleventh, twelfth, thirteenth and fifteenth sections of an act, entitled an act to incorporate Chappell Hill College, approved February seventh, eighteen hundred and fifty.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first, tenth, eleventh, twelfth, thirteenth and fifteenth sections of the above recited act shall be so amended as to read as follows: Section 1. That an institution of learning is established at Dangerfield, in the county of Titus. It shall be called Chappell Hill College, and shall be under the control of the Texas Synod of the Cumberland Presbyterian Church, Section 10. That when any vacancy shall occur in the board of Trustees, either by death, resignation or otherwise, such vacancy shall be filled by the Texas Synod of the Cumberland Presbyterian church. Section 11. That the President, Professors, and other officers shall be chosen by the board of Trustees, subject to the approval of the Texas Synod of the Cumberland Presbyterian Church. Section 12. That whenever a vacancy shall occur in the Presidency or any of the Professorships of the College, the said Texas Synod shall have the power to fill such vacancy. Section 13. That the Synod shall have the power of fixing the salaries of all

the officers connected with the College, and removing any of them for neglect or misconduct in office. Section 15. That the said board of Trustees shall at the close of each Collegiate year, make a full report of their proceedings, and the condition of said College, and the Preparatory department thereof, to the said Synod, and that the said Synod shall have and exercise general supervision and control over the said board of Trustees, and the said Synod shall have and exercise full power to remove any member of said board of Trustees, and that any and all vacancies in said board of Trustees caused by such removal, shall be filled as herein provided.

Sec. 2. That this act take effect, and be in force, from and after its passage.

Passed, August 5th, 1856.

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## CHAPTER XCVII.

An Act to incorporate Shawnee Lodge, No. 15, of the Independent order of Odd Fellows.

Section 1. Be it enacted by the Legislature of the State of Texas, That the officers and members of Shawnee Lodge, No. 15, of the Independent order of Odd Fellows, now located and established at the town of Henderson, in Rusk county, and their successors, are hereby declared, and they shall be a community, corporation and body politic, by the name and style of Shawnee Lodge No. 15, Independent order of Odd Fellows, and by that name, they and their successors shall and may at all times hereafter, be capable in law to have, receive and retain any property or estate, real or personal, by gift, purchase, devise or bequest, and such property or estate at their pleasure to sell, transfer or dispose of, and generally, to manage and control in such manner as they may think proper, provided, that said corporation shall not own real estate of the value of more than twenty thousand dollars at any one time.

Sec. 2. The corporation by the name and style aforesaid, shall be capable in law, to have, maintain and hold a library for the use of the members thereof, and that of the public upon such terms as they may deem beneficial to the advancement of learning; to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all

and every court of this state or other competent authorities whatsoever, in all actions at law, or suits in equity, in and about all things whatsoever.

Sec. 3. The said corporation shall have a common seal for their use, and shall have and exercise all such rights, privileges and immunities, as are by law and custom incident and necessary to corporations of a similar character.

Sec. 4. That this act take effect from and after its passage.

Passed, August 5th, 1856.

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## CHAPTER XCVIII.

### An Act to incorporate the Milam Male and Female Institute.

Section 1, Be it enacted by the Legislature of the State of Texas, That William B. Featherston, Cullin Hooke, John A. Talbot, Isaac M. Ball, Robert D. Hooke, William J. Hays, L. K. Pirkey, John W. Leigh, H. R. Runnels and Samuel Peters, be, and they are hereby constituted a body corporate and politic, under the name and style of the "Milam Male and Female Institute," capable of suing and being sued, of pleading and being impleaded, of buying, holding and owning property, either real, personal or mixed, of selling and conveying the same at pleasure, of having a common seal, of making by-laws and of doing and performing whatever else may be done for the advancement of said Institution not contrary to the Constitution and laws of this State.

Sec. 2. That this charter with its powers and privileges, shall extend to the persons above named as Trustees, and their successors in office, as long as they confine the benefits of the same to the advancement of Literature, the Sciences and the promotion of useful knowledge to the rising generation, and said institution shall be accessible to all, without regard to the opinions of religion or politics.

Sec. 3. That the head of said Institution shall be styled the President, and the instructors, the professors; and the President and Professors, or a majority of them, the faculty of said Institution; which faculty of said Institution shall have the power of enforcing the rules and by-laws adopted by the Trustees for the government of the students, and of rewarding or censuring them, and finally of suspending or expelling such as continue disobedient after repeated admonitions.

Sec. 4. The President shall call said Trustees together whenever he may deem it proper, shall preside at the meeting, but shall not be entitled to a vote except to decide, when there is a tie, when, however, the President neglects to call a meeting, or should die, remove or resign, a majority of said Trustees shall have power to call a meeting, and in such cases may appoint a Treasurer pro tem.

Sec. 5. Said Board of Trustees shall hold their office during good behavior, but in cases of death, resignation, permanent absence or inability of any of said Trustees, his or their place shall be filled by said Board. But any member of said Board may be expelled for improper conduct by two-thirds of the members thereof.

Sec. 6. That the Institution hereby incorporated, shall be located at or near the town of Boston in the county of Bowie, and the property of the same shall not exceed one hundred thousand dollars.

Sec. 7. That this act shall take effect and be in force from and after its passage.

Passed, August 5th, 1856.

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## CHAPTER XCIX.

### An Act for the relief of S. A. Miller, Assignee of David Spears.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be, and he is hereby authorized and required to cancel on presentation for that purpose, so much of patent No. 576, issued to David Spears, December 31st, 1835, for six hundred and forty acres of land, as the said Spears by his title bond dated December 7th, 1849, transferred to S. A. Miller, being three hundred and forty-five acres, and issued to said Miller as assignee of said Spears, an unconditional certificate for three hundred and forty-five acres of land to be located as other certificates on any unappropriated public domain.

Sec. 2. That this act take effect from and after its passage.

Passed, August 5th, 1836.

CHAPTER C.

An Act for the relief of John A. Wells.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be, and he is hereby authorized and required to issue a patent to John A. Wells for six hundred and forty acres of land, according to the field-notes of a survey made upon his conditional headright certificate, now on file in the General Land Office.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed, August 5th, 1856.

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CHAPTER CI.

An Act for the relief of the heirs of Elizabeth Taylor.

Section 1. Be it enacted by the Legislature of the State of Texas, That a certificate of six hundred and forty acres of land, be granted to the heirs of Elizabeth Taylor.

Sec. 2. And that the Commissioner of the General Land Office be required to issue the same, subject to all the regulations pertaining to land certificates.

Sec. 3. And that this act take effect from and after its passage.

Passed, August 5th, 1856.

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CHAPTER CII.

An Act for the relief of John W. Collins and Nathan W. Bush.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be, and he is hereby authorized and required to issue to John W. Collins and Nathan W. Bush, each, a certificate for six hundred and forty acres of land, as the quantity of land to which they are severally entitled as an augmentation headright grant; and said certificates may be located and patented in the same manner as other headright certificates.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed, August 5th, 1856.

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#### CHAPTER CIII.

##### **An Act for the relief of Jack R. Everett.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the Treasurer of the State of Texas, be, and he is hereby authorized to pay to Jack R. Everett, the sum of three thousand nine hundred and five dollars, out of any money in the Treasury not otherwise appropriated, the same being in payment for advances made to the army of the Republic of Texas in the year of our Lord, 1842, in the way of arms, ammunition and supplies of food and clothing.

Sec. 2. That this act take effect from and after its passage.

Approved, August 5th, 1856.

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#### CHAPTER CIV.

##### **An Act to incorporate the Oceola Mill Company.**

Section 1. Be it enacted by the Legislature of the State of Texas, That George W. Baird and such other persons as he may associate with himself and their successors, be, and they are hereby created and established a body corporate under the name and style of the Oceola Mill Company, and under such name shall sue and be sued, and have succession for twenty years; they may have a corporate seal and the right of holding property, real and personal, for the purpose of carrying out the object of this incorporation, and may transfer, alienate and dispose of their joint or individual interest at pleasure.

Sec. 2. That said company shall have the privilege of erecting a dam across the Elm Fork of Trinity river, for the purpose of securing the water power necessary to run a saw, grist and flouring mill, which said company may erect upon the bank of said Elm Fork, about one mile above its junction with the Trinity river, in Dallas county.

Sec. 3. That this act take effect and be in force from and after its passage.

Passed, August 6th, 1856.

CHAPTER CV.

An Act to incorporate Paine Female Institute.

Section 1. Be it enacted by the Legislature of the State of Texas, That Thomas P. Holaday, C. W. Campbell, M. H. Campbell, J. A. Clarke, Wm. N. Fant, William S. McCampbell, Robert H. Hill, Jesse Hord, William L. Hunter, Truman Phelps, Barton Peck, Henry M. Beverly, C. G. Ward, Hugh R. Young, and E. T. Smith and their successors in office be, and they are hereby constituted a board of Trustees of the Paine Female Institute heretofore established in the town of Goliad, in the county of Goliad, which is by this act incorporated by the name of Paine Female Institute, by which name it may sue and be sued, plead and be impleaded, buy, hold and sell property, real, personal and mixed, and have a common seal for the transaction of business, which seal it shall have power to alter at pleasure, and to do all things incident to corporations, not inconsistent with, or contravening the Constitution or laws of the United States or of this State.

Sec. 2. That all property, whether real, personal or mixed, that may have been heretofore granted to, and is now held by the Trustees of said Institute, or that may be hereafter granted, bequeathed or donated to said Institute, be owned and held by said Trustees and their successors, in trust for the Texas annual Conference of the Methodist Episcopal church, South; and all grants, bequests or other instruments in writing, for the benefit of said Institution, shall be good and binding, and although the corporate name of the same may not be correctly stated and described by the person making such donation, bequest or instrument in writing.

Sec. 3. The Trustees appointed under this act, shall hold their offices for two years from the first annual examination in said Institute at which time the five first named shall go out of office; at the end of two years thereafter, the next five should go out of office; and at the end of two years more, the remaining six shall go out of office: Provided, that nothing herein contained shall prevent the re-appointment of any Trustee whose term of office has expired, and provided further, that all Trustees, except as is otherwise provided for in this act, shall hold their office for the term of six years.

Sec. 4. Said Female Institute shall be under the direction, supervision and patronage of the Texas Conference of



the M. E. Church South; provided, that no religious test shall ever be required of the Principals, Teachers or students in said Institute.

Sec. 5. That all vacancies occurring in the Board of Trustees, shall be filled by the board, subject to the approval or disapproval of the Texas Annual Conference; provided, that all Trustees elected by the board, shall enter immediately upon the discharge of their duties, and continue therein until their election shall be disapproved by the Conference.

Sec. 6. All vacancies occurring in the Board of Trustees by expiration of the term of office, shall be filled at the annual meeting. Vacancies by death, resignation or removal, may be filled at any time, and the person elected to fill such vacancy shall hold his office for the unexpired term of his predecessor.

Sec. 7. Said corporation shall have power to erect buildings, enlarge, alter or remove the same; to appoint and remove principals, professors and tutors; to make by-laws for their own government and establish rules for the government of the Institute, to fix the rates of tuition and salaries of principals, professors and tutors, and generally to do all things necessary to carry on, conduct and manage an Institution for the education of Females, and together with the principals, professors and tutors, to confer degrees, grant diplomas, and suspend and dismiss students.

Sec. 8. There shall be an annual meeting of the Board of Trustees, at the time and place fixed by them for the annual examination in said Institute; at which time they shall select from their body a President, Secretary and Treasurer, who shall hold their offices for two years, and said Board of Trustees shall have such other meetings as they may deem proper and necessary. The President may have the power, and upon the application of any three members of the Board, it shall be his duty to call a meeting of the Board of Trustees.

Sec. 9. The present Secretary and Treasurer in office in the Board of Trustees, at the time of the passage of this act, shall hold their several offices until the first annual meeting of the Board.

Sec. 10. That five members of the Board of Trustees shall constitute a quorum for the transaction of business.

Sec. 11. The assets of the Institution in property and money shall not exceed fifty thousand dollars.

Passed, August 6th, 1856.

CHAPTER CVI.

An Act to consolidate the Texas Monumental committee and the Texas Military Institute with Rutgersville College.

Section 1. Be it enacted by the Legislature of the State of Texas, That the corporation known as the Texas Monumental Committee, incorporated by an act of said Legislature, entitled an act to incorporate the Texas Monumental Committee, approved January 19th, 1850, and the Texas Military Institute founded by Caleb G. Forshey, and the corporation known as the President and Trustees of Rutgersville College, incorporated by an act of the Congress of the Republic of Texas, entitled an act to establish and incorporate Rutgersville College, approved February 5th, 1840, be, and they are hereby consolidated into one corporation under the name and style of the Texas Monumental and Military Institute, and under said name may have the right of succession, a common seal, and have and enjoy all the rights of property and all the privileges, powers and immunities, now granted by law to said corporations or either of them, with all other powers incident to a general corporation, in as full and ample a manner as the same might or should be exercised and enjoyed; and it is hereby expressly declared that the object of this consolidation is to erect at the town of Rutgersville, in the county of Fayette, a suitable Mausoleum to those who have died or may die in the service of Texas and the establishment of Institutions of high learning for the youth of Texas, as a most suitable monument in honor of the dead.

Sec. 2. That the new consolidated corporation hereby created, be governed and operated by a Board of nineteen Trustees, who shall, from their own body elect a President, Secretary and Treasurer, and such other officers as their by-laws may establish, who shall hold their offices for terms to be prescribed in said by-laws; six members and the President or thirteen members without him shall constitute a quorum for the transaction of business at stated or called meetings, which shall be held as said by-laws may prescribe. The Trustees shall have power to declare vacancies, without notice for causes adjudged by a majority of the whole board, to be sufficient, and in case of a vacancy in the Board, by resignation or otherwise, they shall fill the same until the next session of said Legislature, when their selection

shall be submitted to the State Senate for confirmation, and if rejected, they shall continue to nominate until one is confirmed.

Sec. 3. That all contracts heretofore entered into or obligations given by either of the old corporations aforesaid, shall be binding on and executed by the new corporation hereby created, and no suit heretofore brought and now pending by or against either of said corporations, shall abate by the consolidation, but the new corporation hereby created, shall, on the final passage of this act, become a party thereto without other formality, and shall be so entered by the court in which the same may be pending; and such suit shall be conducted in the new name with all the rights, powers, privileges and liabilities of the old corporation. And in case any judgment for or against either of said corporations shall be in force at the final passage thereof, execution shall run for or against the new corporation, in the same manner it could against the old; provided always, that no property hereafter acquired by the new corporation, shall be liable to such execution. All property, debts, dues, monies, rights, credits and obligations belonging to the old corporation, are hereby transferred to the new corporation, with plenary powers to dispose of all or any part of the same; provided, always, that neither the donations already made to either of said corporations or any hereafter made to the new one, shall ever be turned to an object foreign to the contemplated Institutions and Monument at Rutersville; and further provided, that the Mausoleum to the dead may be connected with and form a part of one of the Institute buildings, or be erected separately at the option of the new corporation; provided, that each one of those who have subscribed for the erection of the Texas Monument shall have the right to direct where the sum subscribed by him shall be expended, in constructing a tomb, Mausoleum or monument.

Sec. 4. That the new corporation shall provide for the election or appointment of a superintendent and such other officers or professors as may be provided for by them for such periods of time as they may prescribe, and shall have full power through these officers to maintain rigid Military discipline among the students and employees of the Institution; they shall also have full power to enlist such musicians and employees as they may think necessary, and to compel them to comply with the terms of their enlistments under such penalties as may be prescribed in their by-laws.

Sec. 5. That the Superintendent of the Institute shall

hold the rank of Colonel, shall be commissioned as such by the Governor of the State, and shall direct the Military and Academic operations of the Institute, according to Military principles.

Sec. 6. That besides the Military Institute, a female College under the name of the Rutersville Female College is hereby created and established at said town of Rutersville, which shall be under the management and control of the new corporation, and the property purchased by the President and Trustees of Rutersville College, from William Halsey, shall be used for said purpose; and all donations made, specially for said College, shall be sacredly applied thereto.

Sec. 7. That the new corporation shall have power to confer the degrees of Bachelor and Master of arts, and of civil Engineering, and to confer diplomas for Graduation in the Female College, and for proficiency in and a knowledge of particular branches taught either in the Institute or said College; they shall also have power to create degrees and confer diplomas for proficiency in literature, the arts and sciences, or all or either of them, and may also confer honorary degrees and diplomas upon persons not members of the Institute or College; provided, that no degree or diploma shall be conferred, except by a vote of two-thirds of the members present.

Sec. 8. That the following persons and their successors shall be Trustees of and compose said consolidated corporation, to wit: C. G. Forshey, Hugh McLeod, Ashbel Smith, J. B. Robertson, Wm. J. Russell, D. G. Gregory, S. S. Munger, Joel W. Robison, John Rabb, Seth Randle, C. S. Longcope, J. W. Dancy, Wm. G. Webb, Joseph Shaw, E. V. McAshan, R. B. Jarman, J. B. McFarland, Forest Gaiter and M. B. Posey, and as soon as convenient, after the final passage of this act, said Russell, or in case of his failure, then any other member of said Board shall call said Trustees together, and upon the assembling of a majority of them, they shall organize by electing their President, Secretary and Treasurer.

Sec. 9. That an act entitled an act to amend an act to establish and incorporate Rutersville College, approved Feb. 5th, 1840, which amendatory act was approved on the 20th day of November, 1849, and the fifth section of an act entitled an act, supplementary to an act to establish and incorporate Rutersville College, approved February 5th, 1840, which sup-

plementary act was approved on the 1st day of February, 1841, be and the same are hereby repealed. And that this act take effect and be in force from and after its passage.

Passed, August 6th, 1856.

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#### CHAPTER CVII.

An Act for the relief of Joseph D. Lilley, Assignee of Jonathan Bird.

Section 1. Be it enacted by the Legislature of the State of Texas, That the proper accounting officers, be, and they are hereby authorized to issue a second class certificate of Public Debt to Joseph D. Lilley, assignee of Jonathan Bird, for two hundred dollars, in lieu of a lost draft issued by the Secretary of the Treasury of the late Republic, on the 31st of January, 1845, to said Jonathan Bird, for a similar amount under the provisions of an act approved January 8th, 1845, and when said certificate is so issued, the Treasurer is hereby authorized to pay the same; provided, that the said Lilley shall first file with the Comptroller a bond with security, that the original bond shall not become a charge against the State.

Sec. 2. That this act take effect from and after its passage.

Approved, August 6th, 1856.

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#### CHAPTER CVIII.

An Act for the relief of William Carroll Sybert.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to William Carroll Sybert, a certificate for two-thirds of a league and one labor of land, it being the quantity to which he is entitled by virtue of the twenty-third section of an act of December 14th, 1837.

Sec. 2. That this act take effect from and after its passage.

Passed, August 6th, 1856.

CHAPTER CIX.

An Act to incorporate the Texas Cotton Seed, Oil and Paper Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That John G. Tod, Alfred F. James, Robert C. Campbell and Gustavus Holland, are hereby created a body corporate, by the name of the "Texas Cotton Seed Oil and Paper Manufacturing Company," and by that name to make contracts, to have a common seal, to make by-laws for its government and the regulation of its affairs, to sue and be sued, to plead and be impleaded; may transfer their rights by succession or assignment, and also, by that name and style they and their successors may purchase, hold and convey real and personal estate.

Sec. 2. That said company shall have the right to erect and establish in the county of Harris, machinery and establishments for the manufacture of cotton seed and other seed oil, and paper, as said company may at any time manufacture for sale.

Sec. 3. That the capital stock of said company shall be thirty thousand dollars, to be divided into three hundred shares, of one hundred dollars each, and said company shall have authority to increase said capital to one hundred thousand dollars.

Sec. 4. That the affairs of said company shall be managed by a Board of five Directors, each of whom shall own at least five shares of the capital stock of said company; a majority of said Directors shall constitute a quorum to do business, and shall have power to appoint a President from their own number, and to fill all vacancies that may occur in the Board of Directors, from death, resignation or otherwise. After the first election of Directors by virtue of this act, all subsequent elections shall be held at such time and place as they shall appoint; in case of failure to elect said Directors at such time and place, the corporation shall not be dissolved for that cause, but the President and Directors previously elected, shall continue to perform their duties, until successors are chosen.

Sec. 5. That the Directors shall be chosen by the Stockholders of said company; and that each stockholder shall have one vote for each share that he may own, and may vote in person or by proxy.

Sec. 6. That the President and Directors of said company shall have full authority to adopt all such rules, regulations and by-laws, as they may consider necessary to effect the objects of this act of incorporation, not inconsistent with this act or the laws of this State; and may appoint and remove at their pleasure, all agents or other employes necessary to transact the business of said corporation.

Sec. 7. That every person, subscribing for any of the capital stock of said company, shall pay such proportion thereof at the time of subscribing, as may be directed by the terms of original subscription lists, and after the election of the first Board of Directors, the balance shall be paid at such times and upon such terms as said Directors may designate; that in all cases where further payment may be required, notice thereof shall be given by advertisement in the nearest newspaper, at least ninety days before said payment.

Sec. 8. That if any Stockholder shall fail or refuse to pay the balance of his subscription at the time required by said Directors, it shall be lawful at any time after due notice and advertisement has been made in accordance with the preceding section of this act, for said Directors to sell the shares of said Stockholders at public auction, after ten days previous notice of said sale has been given by public advertisement, and the purchaser of said shares shall be subject to all the liabilities and entitled to all the benefits of the defaulting Stockholder.

Sec. 9. That this act shall take effect, and be in force, from and after its passage.

Passed, August 7th, 1856.

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## CHAPTER CX.

### An Act to Incorporate Waco Female Seminary.

Section 1. Be it enacted by the Legislature of the State of Texas, That Caleb M. Hubby, George Barnard, John R. Harris, Simon Bramlet, George B. Erath, E. B. Fetzer, J. L. L. McCall, James C. Johnson and J. M. Scott, and their successors in office, be, and the same are hereby constituted a body corporate and politic by the name and style of the President and Trustees of Waco Female Seminary, in which name they may sue and be sued, plead and be impleaded, answer and be

answered in any court of justice, and are hereby authorized to erect, hold, control and dispose of property, real and personal, to any amount not to exceed in value forty thousand dollars, for the use and benefit of said Seminary.

Sec. 2. That the members of said corporation shall hold their offices from the passage of this act until the first day of January, A. D. 1857, and until their successors are duly qualified, and shall have power to pass and enact such by-laws as to them may seem fit, and shall elect or appoint such officers as may be necessary to carry on the business of said corporation, and are hereby empowered to establish rules for the government of said Institution; to appoint, remove or suspend professors and teachers, and that all by-laws passed by said corporation shall be binding and of full force and effect for the government of said Institution, and may be amended, modified or repealed at any time by the whole vote of said Board of Trustees.

Sec. 3. That said members hereby appointed and their successors may hold as many meetings as the interest of the Institution may require, and a majority of the same shall constitute a quorum to transact business, and they shall at their first meeting in each year, elect from their number a President, and shall have power to fill vacancies, and to elect or appoint their successors in office, and when so elected shall hold their office for the space of one year, and until their successors are qualified.

Sec. 4. That said Institution shall ever remain free from any denominational or sectional bias, but shall always be open to every citizen of this State.

Sec. 5. That the members of said corporation shall have power to prescribe rules for their own government, and for good cause shown, to expel any member.

Sec. 6. That said corporation shall have power to establish a seal, to elect a Secretary, and shall keep a record of their proceedings in book form, and a certified copy from said record under the hand of the Secretary and the seal of said corporation, shall be evidence of the proceedings of said corporation.

Sec. 7. That this act be in force from and after its passage.

Passed, August 7th, 1856.



## CHAPTER CXI.

An Act granting to Caroline Stafford the privilege of erecting a Toll Bridge across Mud Creek, in the county of Cherokee.

Section 1. Be it enacted by the Legislature of the State of Texas, That Caroline Stafford is hereby authorized to erect a toll bridge across Mud Creek, in the county of Cherokee, and no other toll bridge shall be erected across said creek, within four miles of said bridge; and said Caroline Stafford shall have the right of way on both sides of said creek, and be entitled to receive the following tolls for crossing said bridge: for a four horse stage, fifty cents; for a four horse wagon, loaded, fifty cents, empty, thirty cents; for a two horse wagon or carriage, thirty cents; for a one horse buggy, twenty cents; for a man and horse, ten cents; for each loose horse or led horse, five cents; for cattle, three cents per head; for a cart, twenty cents; for hogs, sheep and goats, one cent per head.

Sec. 2. That said Caroline Stafford and her heirs and assigns, shall be entitled to own said bridge for the term of twenty years, and shall keep the same in good repair, and if said bridge shall at any time be out of repair, it shall not be lawful to demand any toll for crossing the same, until it shall be put in good repair. And that this act take effect from its passage.

Passed, August 7th, 1856.

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CHAPTER CXII.

An Act Supplementary to an act to incorporate the Lavaca Navigation Company, approved February 13th, 1852.

Section 1. Be it enacted by the Legislature of the State of Texas, That the ninth section of an act to incorporate the Lavaca Navigation Company, approved February 13th, 1852, be so amended as to read as follows, to wit: in case the said corporation should not complete the canal or channel on or before the 13th day of February, 1862, then the said corporation to cease and be of no effect.

Sec. 2. That the capital stock of said company be, and the same is hereby increased fifty thousand dollars, to be divided into

shares of fifty dollars each, the books for the subscription for said stock to be opened by the President and Directors of said company, at such time and place as they may deem best, and the stock so subscribed for shall be payable in full in real estate at cash valuation, at the time of said subscription, which said real estate so received in payment for stock, shall be conveyed to the President and directors of said company, who shall hold the same in fee, and have full power to lease, sell and convey or mortgage the same, and that all leases, sales or mortgages of said land shall be made by the President under the seal of said company.

Sec. 3. That said company shall have power to raise money for the purpose of carrying on said work by a sale of their bonds to two-thirds of the value of the real estate, which they may receive for the stock hereby authorized to be issued, and the real estate so owned shall be pledged for the redemption of said bonds; provided, that said bonds shall not be sold at less than par value. And that this act take effect and be in force from its passage.

Approved, August 8th, 1856.

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### CHAPTER CXIII.

An Act to incorporate the town of Boston, in the county of Bowie.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Boston, in the county of Bowie, be, and they are hereby declared to be a body politic and corporate, and by the name and style of "the town of Boston," may sue and be sued, plead and be impleaded, may have a common seal and change the same at pleasure, may receive, hold and dispose of real and personal property; provided, the same be within the limits of the corporation.

Sec. 2. That the boundary and limits of said town, and within which the said corporation shall exercise lawful jurisdiction, shall include a square extending one mile East, West, North and South from the Court House.

Sec. 3. That the first election under this charter shall be held by order of the Chief Justice of Bowie county, after giving ten days' notice under the laws now regulating elections, for one Mayor and four Aldermen, and annually thereafter by

the Mayor and the Aldermen, or the Mayor and two Aldermen, or by three of the Aldermen; and the persons so elected shall continue in office for one year, or until their successors are elected and duly qualified. And in case of vacancy in the office of Mayor or any of the Aldermen, the Mayor or any three Aldermen, as circumstances may require, shall order an election to fill such vacancy; the person or persons elected to serve until the next succeeding annual election.

Sec. 4. That no person shall be eligible to the office of Mayor or Alderman, who is not a resident citizen, and a freeholder or a householder in said town, and has not resided at least twelve months immediately preceding the election, within the limits of said town.

Sec. 5. The Mayor shall be President of the board, who, with three Aldermen, shall constitute a quorum for the transaction of business. Said board may enact such by-laws, for the government of said town, not inconsistent with the Constitution and laws of the State, as may be deemed proper, and may inflict such fines, not exceeding one hundred dollars, as may be considered necessary.

Sec. 6. The board shall have entire control over the streets of said town, and may extend them at their discretion, and shall be governed in such cases by the laws of the State relative to roads and highways. All persons who by law are compelled to work on roads and highways, living within said corporation, shall be liable to work on the streets; provided, no person shall be compelled to work more than ten days in any one year, and that said board may impose such fines on defaulters as they may deem necessary, not inconsistent with the laws of the State.

Sec. 7. That the board shall have power to levy a tax on all persons and property real and personal, within the limits of said town subject to taxation by the laws of the State; provided, said tax shall not, in any one year, exceed one-half of one per centum ad valorem, on such property, and it shall be assessed and collected by an officer appointed by the board, in the same manner as the county tax; and said board shall also have power to levy a tax on all tippling houses, groceries, restaurats, billiard tables, and ten pin alleys, within the limits of said corporation, to any amount not exceeding five hundred dollars.

Sec. 8. That all public property within the limits of said town, shall belong to said corporation, and the board may dis-

pose of it in such manner as they may deem to the best interest of said town.

Sec. 9. The board shall have power to constitute and appoint such officers as may be necessary, and to regulate their duties and compensation, and the officers so appointed may be removed at the pleasure of the board; said officers may be required to give bond and security, payable to the Mayor and his successors in office, in such sum as may be deemed requisite by the board, for the faithful performance of their duties.

Sec. 10. That if from any cause the annual election should not be held at the regular time, the Mayor shall order another election immediately, giving at least five days' notice, and all elections for Mayor and Aldermen shall open at ten o'clock A. M., and close at two o'clock P. M., and all persons qualified to vote for members of the Legislature, who shall have resided six months, immediately preceding an election in said town, shall be entitled to vote for Mayor and Aldermen.

Sec. 11. That the Mayor be, and he is hereby invested with all the jurisdiction and powers of a Justice of the Peace, within the limits of said town, and that all the offences against the by-laws shall be prosecuted before the Mayor in such manner as is provided by law in the act organizing Justices Courts, and defining the powers and jurisdiction of the same, and the Sheriff or any Constable of the county shall execute all writs directed to him by the Mayor.

Sec. 12. That the Treasurer shall keep safely all the money of said corporation, and shall pay it out upon the order of the board, and shall do such other duties as may be assigned him by the board; he shall give bond and security payable to the Mayor, in such sum as the board may deem proper, conditioned for the faithful performance of the duties of his office, to be approved by the Mayor, and shall receive such compensation as may be allowed him by the board.

Sec. 13. That an act to incorporate the town of Boston, approved January the 18th, 1845, and all laws and parts of laws, so far as they conflict with this act, be and the same are hereby repealed. And that this act take effect and be in force from and after its passage.

Approved, August 11th, 1856.

## CHAPTER CXIV.

An Act to amend the second section of an act to incorporate the town of Rusk, in Cherokee county, approved 2d February, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the second section of the above recited act shall read as follows: "Sec. 2. That the limits of said corporation shall extend to, and embrace every citizen living within one mile of the public square in said town of Rusk. And that this act take effect and be in force from and after its passage."

Approved, August 11th, 1856.

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CHAPTER CXV.

An Act to amend an act entitled An Act to incorporate the town of Quitman, approved December 18th, 1851.

Whereas, by joint act, the Chief Justice, or one of the Commissioners of the county of Wood, was authorized to call an election for the election of a Mayor and Aldermen, and annually thereafter the Mayor or a majority of the Aldermen were authorized to hold elections for the election of their successors.

And whereas, after the election of said officers, the said offices of Mayor and Aldermen became vacant by removal, resignation or death without an election being called to elect successors:

And whereas, on the       day of February, 1856, an election was again called by one of the Commissioners of said county of Wood, to fill said vacancies. And in pursuance thereof a Mayor and Aldermen and other officers were elected and qualified.

Section 1. Therefore, be it enacted by the Legislature of the State of Texas, That said election is, and shall be valid to all intents and purposes, and the officers so elected and qualified shall be and hereby are authorized and empowered to hold said offices, and to perform all the duties thereto pertaining, for the term for which they were elected and qualified, and shall have power to hold elections for their successors in office.

Sec. 2. That in case the said offices of Mayor and Aldermen shall at any time become vacant, from any cause, then it shall be lawful for the Chief Justice, or any one of the Commissioners of said county, to order an election to fill such vacancies.

Sec. 3. That the limits of said corporation may be extended, not to exceed one mile square, of which the Court House of said county shall be the centre.

Approved, August 11th, 1856.

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## CHAPTER CXVI.

### An Act to incorporate the Austin City Bridge Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Samuel Stone and his associates, and successors, be and they are hereby constituted and declared a body corporate and politic, under the name and style of "the Austin City Bridge Company."

Sec. 2. That said Company, under the name and style aforesaid, may sue and be sued, plead and be impleaded, defend and be defended, in all courts whatsoever in this state; and may have a common seal, which they may break, alter or change at pleasure. The said Company may also adopt such by-laws, rules and regulations for the management of their affairs, not inconsistent with the laws or Constitution of the State; they may select and properly empower some person as an agent or director, by whom the business of the corporation may be conducted, and whose name shall be made public by advertisement in the newspapers of the city of Austin.

Sec. 3. That said Company shall be authorized to construct a bridge over the Colorado River, at such point or place within the limits of the city of Austin, or the town tract adjoining, as shall be deemed by them the most eligible; which point shall be chosen and designated within one year from the passage of this charter. Said company shall have the right to purchase, sell, own and hold property, real, personal and mixed, as far as may be necessary for the construction and maintenance of said bridge and its appurtenances; they may perform all other acts and things necessary to the construction and maintenance of said bridge, not contrary to the Constitution and laws of the State.

Sec. 4. That said Company shall be authorized to impose and collect tolls, not to exceed the following rates, viz: for a road wagon and team loaded, fifty cents; for the same empty, twenty-five cents; for a two-horse wagon and team loaded, forty cents; for the same empty, twenty cents; for an ox cart with two wheels and team loaded, thirty cents; for the same empty, fifteen cents; for a two-horse pleasure carriage, fifty cents; for a one-horse pleasure carriage, twenty-five cents; for a one-horse cart or wagon loaded, twenty-five cents; for the same empty, fifteen cents; for a horse and rider, ten cents; for a foot passenger, five cents; for loose horses and cattle, each five cents; for all other stock, two cents each; and all other things not enumerated, proportional rates. Said tolls shall be subject, at all times, to the control of the Legislature, provided they shall not be reduced so low that it will not yield twelve per cent. on the amount of capital expended in its construction.

Sec. 5. That said bridge shall be completed and ready for use within five years from the passage of this charter, otherwise this act shall be null and void. Said Company are hereby required to keep said bridge in good repair, and at the toll gate of the same a sufficient number of persons to admit passengers at all times by day or night.

Sec. 6. That the privileges granted by this charter shall cease and determine after the expiration of sixty years from the passage of this act. And that this act shall take effect and be in force from and after its passage.

Approved, August 11th, 1856.

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## CHAPTER CXVII.

An Act authorizing William M. Lee and others to construct a bridge across the East Fork of Trinity River, at or near Lee's Ferry.

Section 1. Be it enacted by the Legislature of the State of Texas, That William M. Lee, John M. Goss, John Thompson and James M. McReynolds, and such other persons as they may associate with them, be and they are hereby authorized to construct, own and maintain a bridge across the East Fork of Trinity River, at or near Lee's Ferry.

Sec. 2. That said Company shall have the right of way from said bridge, and the privilege of opening a road or roads, thirty feet wide, from both sides of said East Fork to such points as may be necessary to facilitate public travel; provided, said Company pay the owners of the land, through which said road may pass, such damages as the County Court of Collin county may assess.

Sec. 3. That said Company shall construct said bridge in a durable and substantial manner, within fifteen months after the passage of this act, and shall bridge all sloughs on either side of said East Fork within two years after the passage of this act, and shall keep the same in good repair for all passengers, for the term of twenty-five years, from and after the completion of said bridge.

Sec. 4. That said Company shall be entitled to receive, from and after the completion of said bridge, and until the bridging of the sloughs and the causewaying of the bottom, the following rates of toll and no more, viz: for two-horse wagons and carriages, twenty-five cents each; for all wagons of a larger class than the above, fifty cents each; for one-horse buggies, twenty cents each; for horsemen, ten cents each; for loose horses, five cents each; for hogs, sheep and goats, two cents each; for footmen, five cents each. And after bridging the sloughs and causewaying the bottom, as contemplated in the second section of this act, the said Company shall be entitled to double the above rates of toll, except in the case of live stock and horsemen and no more, for the term specified in the third section of this act.

Sec. 5. That no bridge shall be constructed within three miles of the bridge provided for in this act, for the term of twenty-five years.

Sec. 6. That after the expiration of the term of twenty-five years after the completion of said bridge, it shall with all the appurtenances to the same belonging, revert to the county of Collin, which said county shall be the sole owner thereafter, and that this charter shall at all times be subject to alteration or modification by the Legislature. And that this act take effect and be in force from and after its passage.

Approved, August 11th, 1856.



## CHAPTER CXVIII.

An Act granting toll privileges to Mathew Worell for building a bridge on the Navasota River.

Section 1. Be it enacted by the Legislature of the State of Texas, That Mathew Worell is hereby authorized to erect a toll bridge across the Navasota River, at the crossing of the old road leading from Bexar to Nacogdoches, and to charge and collect tolls of all persons passing over such bridge, and such privilege shall belong to said Worell for the period of twenty years, and all the tolls for passing on said bridge shall be regulated by the County Court of Leon county, and said privilege of tolls shall commence so soon as said Worell shall have completed the said bridge, and said tolls fixed as aforesaid. And no tolls shall be collected if said Worell fails to keep said bridge in good order.

Sec. 2. That said Worell shall open the said road through the overflowed lands of said river at least twenty feet wide, and keep the same in good order for all the purposes of travel, to be determined by said County Court.

Sec. 3. That said Court is hereby authorized to regulate the tolls to be collected on said bridge, and to supervise and determine the condition of said road through said overflowed lands, and to annul the said toll privileges, on his said Worell's not complying with this grant and the regulations of the said Court respecting the tolls.

Sec. 4. That this act take effect from its passage.

Approved, August 11th, 1856.

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CHAPTER CXIX.

An Act for the relief of A. Savery.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to A. Savery one certificate for six hundred and forty acres of donation land, to which said Savery is entitled for having been attached to the Texas Army at the time of the battle of San Jacinto, and being detached on special service; and also, one certificate for three hundred and twenty acres bounty land, and that

said certificates may be located, surveyed and patented as other certificates. That the sum of four hundred and seventy-one dollars be, and the same is hereby appropriated out of any money in the Treasury, not otherwise appropriated, to the payment of A. Savery for his services in full as Asst. Quarter Master in the Army of the late Republic of Texas, in the year 1836; provided the same has never been heretofore paid.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed, August 13th, 1856.

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## CHAPTER CXX.

### *An Act for the relief of Hamilton Ledbetter.*

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to Hamilton Ledbetter a third class headright certificate for three hundred and twenty acres of land, which may be located, surveyed and patented in the same manner as other headright certificates.

Sec. 2. That this act take effect from and after its passage.

Passed, August 13th, 1856.

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## CHAPTER CXXI.

### *An Act for the relief of Cling Pearson.*

Section 1. Be it enacted by the Legislature of the State of Texas, That the survey made for Andries Braten, by the Deputy Surveyor of Milam Land District, on the sixth day of November, 1853, as a pre-emptor for three hundred and twenty acres; that said survey shall enure to the present occupant Cling Pearson, and that the Commissioner of the General Land Office be, and he is hereby required to issue a patent to the said Cling Pearson for three hundred and twenty acres, as described in the field notes of the said Andries Braten as a pre-emptor, which field notes are now in the General Land Office.

Sec. 2. That this act take effect from its passage.

Passed, August 13th, 1856.

## CHAPTER CXXII.

## An Act for the relief of Benjamin Bryant.

Section 1. Be it enacted by the Legislature of the State of Texas, That the State of Texas hereby relinquishes to Benjamin Bryant, his heirs and assigns, all the right which the State of Texas has in the lands described as lying in Milam county, fronting on the east bank of the San Andres River, and surveyed and occupied as the headright of said Bryant, the survey being now on file in the General Land Office; and the Commissioner of the General Land Office is hereby authorized and required to issue a patent to said Bryant, on said headright survey, conveying to Bryant the right which the State of Texas has in said land, said Bryant paying the lawful fees of office; provided, this relinquishment shall not in any wise interfere with any right of any third party previously acquired. And that this act take effect from its passage.

Passed, August 13th, 1856.

## CHAPTER CXXIII.

## An Act for the relief of John J. McCloskey.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to John J. McCloskey a headright land certificate, for six hundred and forty acres; provided, that the said McCloskey has never received any lands as headright from the Republic or State of Texas; and provided further, that when the certificate is issued, it may be located on any vacant and unappropriated lands belonging to the State. And that this act take effect and be in force from and after its passage.

Passed, August 13th, 1856.

CHAPTER CXXIV.

An Act for the relief of A. M. Clare.

Section 1. Be it enacted by the Legislature of the State of Texas, That the accounting officer of the Treasury Department be, and he is hereby required to audit the claims of A. M. Clare for six hundred dollars, which amount is due said Clare for personal services rendered the late Republic of Texas as Assistant Quarter Master in the army, in the years 1836 and 1837; provided, that said Clare shall accept the same in full pay for all claims for services so rendered.

Sec. 2. That the Treasurer be, and he is hereby authorized and required to pay the same out of any money in the Treasury not otherwise appropriated. And that this act take effect and be in force from and after its passage.

Passed, August 13th, 1856.

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CHAPTER CXXV.

An Act for the relief of Samuel McKneely.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to Samuel McKneely a land warrant for twelve hundred and eighty acres of land, which may be located, surveyed and patented upon any vacant and public land belonging to the State.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed, August 13th, 1856.

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CHAPTER CXXVI.

An Act to authorize the heirs of Martha Barker or her assigns to raise a location therein named, and to locate the same on any vacant land.

Section 1. Be it enacted by the Legislature of the State of Texas, That the heirs of Martha Barker or her assigns are hereby authorized to raise so much of a survey, made for said

Martha Barker, and lying in Bastrop county, as conflicts with a survey made for Jose Antonio Navarro.

Sec. 2. That the Commissioner of the General Land Office is hereby authorized to issue a certificate to the heirs of said Martha Barker or her assigns for the number of acres of land covered by such conflict, and that it may be located, surveyed and patented on any of the vacant and unappropriated lands of this State; provided, that this act shall not be construed as a legislative expression of opinion in regard to the claim of the said Jose Antonio Navarro.

Sec. 3. That an act entitled "An Act to authorize Bartlett Simms to raise a location therein named, and to locate the same on any vacant land," approved February 8, 1850, be, and the same is hereby repealed. And that this act shall take effect from and after its passage.

Passed, August 13th, 1856.

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#### CHAPTER CXXVII.

An Act for the relief of Ferdinand F. Lindheimer.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Treasurer of the State of Texas be, and he is hereby authorized and required to pay to Ferdinand F. Lindheimer or his authorized agent the sum of four hundred and eight dollars and eighty cents, for translating and printing the laws of the extra session of the fourth Legislature in the German language. And that this act take effect from and after its passage.

Approved, August 13th, 1856.

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#### CHAPTER CXXVIII.

An Act to amend an act "to incorporate the Union Marine and Fire Insurance Company," approved January 26th, 1848.

Section 1. Be it enacted by the Legislature of the State of Texas, That the second section of said act shall hereafter read as follows: the capital stock of said corporation shall not be less than one hundred and fifty thousand dollars, nor more than five hundred thousand dollars, divided into shares of

fifty dollars each, and the same shall be created and paid in such a manner and at such times as the president and directors of said corporation shall require, of which requisition at least one month's notice shall be given by publication in two newspapers, printed in the city of Galveston, and if any stockholder shall fail to pay any instalment so required to be paid, he or she shall cease to be a member of said corporation and shall forfeit his or her stock, and the share or shares so forfeited may be sold by said corporation in such manner as they may think proper, but such forfeitures and sale of such stock shall not release the holder thereof, nor his or her sureties on the notes contemplated to be given in section 6th and 8th of this act, from his or her or their liability, on account of said notes to any person or persons having a just claim against said corporation, which shall have accrued before such sale.

Sec. 2. That any increase in the capital stock of said corporation, beyond one hundred and fifty thousand dollars, shall be by resolution of the stockholders at their regular annual meeting and when any such resolution shall be adopted, notice thereof shall be given by publication for thirty days in two newspapers, printed in the city of Galveston, and in one newspaper printed at Houston, after the expiration of which time, subscriptions shall be received for thirty days, and if at the expiration of such period a greater amount of stock shall have been subscribed, than was ordered by the resolution of the stockholders, the amount ordered shall be equally divided among the subscribers; provided, that persons who shall have subscribed less than an equal portion, shall take only so much as they shall have subscribed.

Sec. 3. That instead of seven directors, as heretofore, there shall be thirteen directors of said corporation, any five of whom, including the President, shall constitute a quorum for the transaction of business.

Sec. 4. That the board of directors may at any time make an order that a stockholder be required to renew his note contemplated to be given by section 6th and 8th of the act hereby amended, and when notice of such order shall be given to said stockholder if he fail to comply therewith within thirty days, by giving a new note with two or more good and solvent sureties to be approved by the County Court of Galveston county, he shall cease to be a member of said corporation; his stock shall be cancelled, an account shall be taken, and any amount

found to be justly due to said stockholder shall be returned to him, but the cancellation of said stock shall not release the holder thereof, nor his or her sureties on the notes contemplated to be given in section 6th and 8th, hereby amended from his, her, or their liability on account of said notes to any person or persons having a just claim against said corporation, which shall have accrued before such cancellation.

Passed, August 13th, 1856.

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#### CHAPTER CXXIX.

##### An Act to Incorporate the Texas Marine Railway and Building Association.

**Section 1.** Be it enacted by the Legislature of the State of Texas, That Mathew Hopkins, John G. Tod, Henry Loring, George A. Fiske and John Ritchie, or such of them, or such other persons as may hereafter be associated with them, are hereby created a body corporate, by the name of the "Texas Marine Railway and Building Association," and by that name may sue and be sued, may plead and be impleaded; may transfer their rights by succession or assignment; may have a common seal, and also by that name and style, they and their successors may purchase, hold and convey real and personal estate.

**Sec. 2.** That said company shall have the right to erect and establish in the county of Harris, Machinery and establishments for hauling out sail and steam vessels, for repairing and building the same, and for the manufacture of building material or such other articles as said association may manufacture from wood or iron, for sale.

**Sec. 3.** That the capital stock of said Association shall be thirty thousand dollars, to be divided into three hundred shares of one hundred dollars each; and said Association shall have authority to increase said capital to one hundred thousand dollars.

**Sec. 4.** That the affairs of said association shall be managed by a board of five directors, each of whom shall own at least five shares of the capital stock of said association, a majority of said directors shall constitute a quorum to do business, and shall have power to appoint a President from their own number, and to fill all vacancies that may occur in

the board of directors, from death, resignation or otherwise, after the first election of directors by virtue of this act, all subsequent elections shall be held at the building belonging to the association on the first Tuesday of December of each year; in case of failure to elect said directors at the time and place specified in this act, the association shall not be dissolved for that cause, but the President and directors previously elected shall continue to perform their duties until their successors are chosen.

Sec. 5. That the directors shall be chosen by the stockholders of said association, and that each stockholder shall have one vote for each share that he may own, and may vote in person or by proxy.

Sec. 6. That the President and directors of said association shall have full authority to adopt all such rules, regulations and by-laws as they may consider necessary to effect the object of this act of incorporation, not inconsistent with this act, or the laws of this State, and may appoint and remove at their pleasure, all agents or other employees necessary to transact the business of said corporation.

Sec. 7. That every person subscribing for any of the capital stock of said association, shall pay such proportion thereof at the time of subscribing, as may be directed by the terms of the original subscription list, and after the election of the first board of directors, the balance shall be paid at such time and upon such terms as said directors may designate; provided, that in all cases when further payment may be required, notice thereof shall be given by advertisement in the nearest newspaper, at least ninety days before the time of said payment.

Sec. 8. That if any stockholder shall fail or refuse to pay the balance of his subscription at the time required by said directors, it shall be lawful at any time, after due notice and advertisement have been made in accordance with the preceding section of this act, for said directors to sell the shares of said stockholder, at public auction, after ten days, previous notice of said sale has been given by public advertisement, and the purchaser of said shares shall be subject to all the liabilities and entitled to all the benefits of the defaulting stockholder.

Sec. 9. That this act shall be in force from and after its passage, and this charter shall continue in force for thirty years and no longer.

Passed, August 13th, 1856.



## CHAPTER CXXX.

An Act to incorporate the town of Wheelock, in the county of Robertson.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Wheelock, in the county of Robertson, be, and they are hereby declared a body corporate and politic, under the name and style of the corporation of the town of Wheelock, who shall have the power of suing and being sued, pleading and being impleaded, and to hold property, real and personal, within the limits of said corporation, and at their pleasure to sell and dispose of the same.

Sec. 2. That the corporate limits of said town shall extend one half-mile each way, north, south, east and west, from the centre of the public square.

Sec. 3. That it shall be the duty of the Chief Justice of the county to order an election to be holden as early as practicable, after the passage of this act, upon giving ten days notice thereof, for the election of one Mayor and six Aldermen, a Collector, Treasurer and Secretary, who shall hold their offices for the term of one year, from the time of their election; in case a vacancy occurs, by death, resignation or otherwise, the vacancy for the unexpired term shall be filled by a new election, as follows: in case of vacancy in the office of Mayor, then the election to be conducted by a quorum of the board of Aldermen; but in case of a vacancy in the board of Aldermen, Collector, Treasurer or Secretary, then the election shall be conducted by the Mayor. All persons residing within the corporation shall be entitled to vote for the above named officers, who are eligible to vote for members of the Legislature.

Sec. 4. That the Mayor and two-thirds of the Aldermen shall constitute a board to transact business.

Sec. 5. That the Collector, Treasurer and Secretary shall give bond in such sums, and with such securities as shall be approved by the Mayor and Board of Aldermen, and that all officers elected by virtue of this act, before entering upon the duties of their offices, shall take and subscribe an oath for the faithful performance of the duties of their respective offices.

Sec. 6. That the Mayor shall have jurisdiction and exercise the powers of a Justice of the Peace over all offences com-

mitted against the ordinances of the Mayor and Board of Aldermen, within the limits of the corporation.

Sec. 7. That it shall be the duty of the Mayor to cause an election to be held annually, at least ten days before the expiration of his term of office, for Mayor, Aldermen, Collector, Treasurer and Secretary, who shall enter upon the duties of their offices respectively, upon the expiration of the term of their predecessors.

Sec. 8. That the Mayor and Aldermen shall have power to pass such ordinances as they shall deem necessary, for the establishing of schools and the support of education; for the regulation of the police and preservation of order, to prescribe penalties, to levy taxes for the removal of nuisances, keeping the streets in order, and such other purposes as the Board may deem necessary and proper, within the corporate limits of said town; provided, such ordinances shall not conflict with the constitution and laws of this State; and shall not provide for any penalty exceeding one hundred dollars in amount, or for imprisonment, for any one offence, not exceeding fifteen days, nor authorize a tax exceeding the ad valorem rate of the State tax for any one year.

Sec. 9. That this act take effect and be in force from and after its passage.

Approved, August 13th, 1856.

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## CHAPTER CXXXI.

An Act for the relief of the heirs of Samuel C. Stockbridge, deceased, the heirs of R. G. Dunlap, deceased, and the heirs of Carmel Manchaca, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby authorized and required to issue to the heirs of Samuel C. Stockbridge, deceased, a certificate for twelve hundred and eighty acres of land, the headright of said Samuel C. Stockbridge, to which he was entitled in virtue of his emigration and settlement in Texas, before the first day of October, 1837. Also to the heirs of Richard G. Dunlap, a certificate for six hundred and forty acres of land, to which he was entitled as his headright. Also, to the heirs of Carmel Manchaca, a certifi-

cate for one league and one labor of land, and that said certificates may be located, surveyed and patented as other certificates.

Sec. 2. That this act take effect from its passage.

Approved, August 13th, 1856.

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#### CHAPTER CXXXII.

##### An Act for the relief of Sarah A. Cook.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby authorized and required to issue to Sarah A. Cook a certificate for one league and labor of land, upon the payment of the established fees of office.

Sec. 2. This act shall take effect from its passage.

Approved, August 13th, 1856.

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#### CHAPTER CXXXIII.

##### An Act to Incorporate Live Oak Lodge Number Fifty Four of the Independent Order of Odd Fellows.

Section 1. Be it enacted by the Legislature of the State of Texas, That the officers and members of Live Oak Lodge Number Fifty Four, of the Independent Order of Odd Fellows, located and established at Waco, in McLennan county, and their successors shall be, and they are hereby declared to be a community corporation, and body politic, by the name and style of "Live Oak Lodge Number Fifty Four of the Independent Order of Odd Fellows," and by that name they and their successors shall, and may at all times hereafter, be capable in law, to have, receive and retain any property or estate, real or personal, by gift, purchase, devise or bequest, and such property or estate, at their pleasure to sell, transfer or dispose of, and generally to manage and control in such manner as they may think proper.

Sec. 2. That the said corporation, by the name and style aforesaid, shall be capable in law, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and

be defended against, in all and every court in this State, and before all or any of the Judges, Officers or other competent persons whatsoever, in all actions at law or suits in equity, in and about all things whatsoever.

Sec. 3. That the said corporation may have a common seal for their use, and the same to change at their will, alter or make anew from time to time as they may think best, and shall, in general, have and exercise all such rights, privileges and immunities as are by law and custom incident to and necessary to corporations of a similar character. And that this act take effect and be in force from and after its passage.

Passed, August 15th, 1856.

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#### CHAPTER CXXXIV.

##### An Act to incorporate Wildey Lodge No. 21, Independent Order of Odd Fellows.

Section 1. Be it enacted by the Legislature of the State of Texas, That the officers and members of Wildey Lodge, No. 21, Independent Order of Odd Fellows, situated in the town of Paris, Lamar county, in this State, their successors in office, and such as may hereafter become members of said Lodge, be, and they are hereby declared and constituted a body corporate and politic, by the name and style and title aforesaid, and by that name, shall and may at all times hereafter, be capable to have, receive and retain to them property, real personal and mixed, and the same at their pleasure to dispose of; provided, the same shall not exceed in value thirty thousand dollars, and further provided, that if property exceeding in value that sum, should accrue to said corporation, it shall have two years to dispose of the same.

Sec. 2. That said corporation, by the name aforesaid, shall be capable of suing and being sued, pleading and being impleaded, answering and being answered in any court, or before any judge, officer or person whatsoever, in all actions, matters or demands whatsoever.

Sec. 3. That said corporation may have a common seal, and the same alter and change at their pleasure, and shall, in general, have and exercise all rights, privileges and immunities, by law incident, as necessary to corporations.

Sec. 4. That said corporation shall have power and authority to pass and adopt such by-laws, rules and regulations for its government, as it may deem proper; provided, that the same shall not be contrary to the constitution and laws of this State.

Sec. 2. This act shall be in force from its passage.

Passed, August 15th, 1856.

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## CHAPTER CXXXV.

### An Act to incorporate the Harrison Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That William H. Cobb, Jno. A. Harris, G. G. Gregg, George B. Adkins, Thomas D. Powell, W. R. D. Ward, John Graves, John Webster, L. P. Alford, James M. Curtis, E. Greer, W. T. Scott and A. D. Burress, and their associates are hereby created and established a body corporate and politic, under the name and title of the "Harrison Manufacturing Company," with capacity in said corporate name to make contracts, to have succession and a common seal, to make by-laws for the government and regulation of its affairs, to sue and be sued, to plead and be impleaded, to grant and receive, and do and perform all such acts and things as may be necessary or proper for or incident to the fulfillment of its obligations or the maintenance of its rights under this act and consistent with the Constitution.

Sec. 2. Said company is hereby invested with the rights, power and authority to own erect, establish, maintain and operate a cotton and woollen manufactory, separately or conjointly in the county of Harrison, or at such place as they may designate, with a capital stock of five hundred thousand dollars, to be invested in the purchase of lands, buildings, machinery, mills, looms, spindles, &c, together with the rights to erect such buildings and establish such mills and shops as may be necessary to the success of said company, and to invest so much of the above capital stock in negroes, cotton and wool, and all other goods, chattles and produce as they may deem expedient in the prosecution of said enterprise.

Sec. 3. That the parties named in this act are hereby appointed Commissioners, and invested with the right of forming and organizing said company, and generally of exer-

cising the powers of Directors until Directors are chosen by the stock-holders or those who may subscribe to the stock of said company, when the powers of said Commissioners shall cease.

Sec. 4. When one hundred thousand dollars of said capital stock have been subscribed upon the bonds of the company, the Commissioners shall proceed to organize said company, by calling the stock-holders together for that purpose; the capital of said company to consist of all its property, real and personal franchil and rights to property, and shall be divided into shares of one hundred dollars each; each share entitling the owner thereof to one vote, by himself or proxy; at all meetings of the stockholders of said company, said shares shall be deemed personal estate, and shall be transferrable by any conveyance in writing, recorded by the Treasurer, in books kept by him at his office, or in such manner as the by-laws of said company shall provide.

Sec. 5. The government of the affairs of said company shall be vested in a board of Directors, to consist of nine persons, who shall elect one of their number President of said company, no person shall be eligible to the office of Director unless he is an owner of five or more shares of the stock of said company.

The Directors shall be elected for one year, and shall have power to fill any vacancy that may occur in the Board from non-election, death or otherwise, and may appoint a Secretary, Treasurer, Superintendent, and such other officers or agents as they may think necessary, and prescribe and require bonds for the faithful performance of their duties, they shall have the right to pass and adopt all needful by-laws and regulations, that may be necessary in the proper conduct of their business; they shall keep or cause to be kept, accurate records of all meetings of the board of Directors and company, which shall always be open to the stock-holders of said company together with such other books as may be necessary to show at all times, the amount of expenditures, receipts and disbursements of said company.

Sec. 6. The board of Directors shall be convened by the President, who shall preside over all meetings of the Board, and in his absence, a President pro tem. may be appointed by the Directors.

The Board of Directors shall have power to appoint an executive committee, composed of two other directors besides the President, who shall be invested with all of the powers of

the Board of Directors, and do and perform all of the general business of the company between the meetings of said Board of Directors, and all their proceedings shall be subject to the ratification of said Board; all conveyances contracts, sales or purchases, together with other business operations of the company, shall be signed by the President, countersigned by the Secretary or Treasurer, as the company may require, under the Seal of the company, with the approval of the Board of Directors, or the executive committee; said committee to remain in office one year from the date of their election.

Sec. 7. The books of said company shall be opened publicly for subscription to the stock of said company, upon such terms as the commissioners shall determine will be for the best interests of said company, any agreement in writing by which any person or persons shall become a subscriber to the stock of said company may be enforced against him according to its terms, and if any subscriber shall fail to pay any installment called for, or amount due upon his or her share or shares so subscribed and called for by the Directors, or executive committee, within ten days from the date, said installment is required to be paid, the Directors or executive committee may sell at auction and transfer to the purchaser, the share or shares of such delinquent, and if the proceeds of sale shall not be sufficient to pay the amount due on said subscription, with interest and charges for selling and thereon accruing, such delinquent shall be held responsible and liable for the remainder due the company, and if the proceeds shall exceed the amount so due the company with interest and charges deducted, said delinquent shall be entitled to the surplus.

Sec. 8. Said company may acquire real estate by purchase or donation, which gift or purchase may form a part of the capital stock of said company, or when disposed of to aid in the construction and prosecution of their manufacturing mills, under the provisions of this charter, provided, nothing in this act shall be so construed as to confer banking privileges or powers whatsoever.

Sec. 9. The rights, powers, privileges, immunities, hereby granted and conferred under this act of incorporation of said company, shall be, and remain in force for ninety-nine years from the passage of the same, provided that the President of said company be required to make an annual exhibit of their business operations to the Comptroller of the State, showing the amount of capital invested, the number of laborers em-

ployed, the amount of raw material manufactured, the quantity and quality of goods produced, the nett profits or loss of said establishment, and where said goods are disposed of or consumed, whether in or out of the State, with such other statistical information in relation thereto as his experience and observation may enable him to furnish.

Sec. 10. Each subscriber who may invest capital in the stock of said "Harrison Manufacturing Company," and a holder of the same, shall at all times receive the dividend, when declared, if any, upon said stock; but should the Directors or stock-holders deem it the true interest of the Company to invest the profits or dividends in extending their manufacturing operations instead of distributing them among the stock-holders, their action in the premises shall be binding upon the minority, and should any stock-holder, at any time, be displeased or wish to withdraw from said Company, or dispose of his interest, or require a distribution of dividends, or otherwise impede the progress and operations of the Company, he or she shall not be permitted to institute legal proceedings against said Company to adjust his individual rights, or in any wise to impede the progress of said Company, unless sanctioned by a majority of the stock-holders in the same, but is permitted and required to dispose of his interest in the market, at such price as such stock may command, and he or she so selling shall henceforth be exonerated from any loss said Company may sustain, or debarred from any future profits said stock may realize. A majority of the stock-holders being required, at all times, to agree upon a dissolution of the Company, and a distribution and sale of the property and effects of said Company, before the same can be acted upon.

Sec. 11. Each share-holder in the capital stock of this company is hereby made liable to the Company for the amount so subscribed for by him or her, and due said Company, to be collected in accordance with the seventh section of this act, provided that no stock or share-holder shall be responsible or liable for any other debts or contracts, made and entered into by the President or agent of said Company, not within the legitimate and bona fide business operations of said Company, but shall be liable in proportion to the amount of his or her stock, only for the bona fide debts of said Company in prosecuting the works and carrying into effect the true interest and intention of the Company, in accordance with the provisions



of this act, and said liabilities shall be assessed, adjudged, and collected, in the event of failure, dissolution or loss, pro rata upon each stock-holder, in proportion to the amount of stock subscribed for and paid upon by him or her, and the stock book of said Company shall be the true criterion by which the liability of each stock-holder is to be arrived at.

Sec. 12. That this act shall take effect from and after its passage.  
Passed, August 15th, 1856.

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## CHAPTER CXXXVI.

### An Act to incorporate Waco Female Academy.

Section 1. Be it enacted by the Legislature of the State of Texas, That W. W. Downs, B. D. Arnold, J. C. Johnson, B. Berry, sen., and J. W. Speight, be, and they are hereby created a body corporate, by the name and style of the "Waco Female Academy," and by that name may sue and be sued, plead and be impleaded, in any of the Courts of the State.

Sec. 2. That the above named individuals shall constitute a Board of Trustees of said Academy; that they shall elect one of their own number President, shall elect a Treasurer and Secretary, and may, from time to time, pass and ordain such by-laws and regulations for the government of said corporation and for continuing its succession and corporate existence, not inconsistent with the Constitution and laws of this State or of the United States, as a majority of said Board may deem proper, and that the said corporation may hold real and personal estate by gift, bequest or otherwise, to any amount not exceeding ten thousand dollars, and may sell, convey, and alienate the same at pleasure.

Sec. 3. That the said Treasurer and Secretary shall hold their respective offices for one year, and until their successors be elected and qualified, and they shall each give bond to said corporation, with approved security, in such amount as the Board shall determine, conditioned for the faithful performance of their duties, which duties the said Board are authorized, from time to time, to prescribe.

Sec. 4. That said Board of Trustees shall have power to appoint one or more teachers of said Academy, and the same to displace, and others to appoint at pleasure, to do whatever

they may think necessary for the promotion of learning, morality and virtue among the students, and to erect suitable buildings, and make all necessary repairs.

Sec. 5. That in case of a vacancy in said Board by death, resignation or otherwise, the remaining members of said Board shall fill such vacancy.

Sec. 6. That this act shall take effect and be in force from and after its passage.

Passed, August 15th, 1856.

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## CHAPTER CXXXVII.

An Act for the relief of the heirs of John F. Cheairs, Alfred H. Wiley, and the heirs of Ezekiah George.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to the heirs of John F. Cheairs, deceased, a certificate for two-thirds of a league and labor of land, for the augmentation headright of said Cheairs, and a donation warrant for six hundred and forty acres, for his having participated in the battle of San Jacinto. Also that he issue to Alfred H. Wiley an unconditional certificate for one-third of a league of land, as his headright. Also that he issue to the heirs of Ezekiah George, deceased, an unconditional certificate for one-third of a league of land, as his headright, which was granted him in Shelby county but never taken out of the Office. Which said certificates and warrants may be located, surveyed and patented in the same manner as other like certificates.

Sec. 2. That this act take effect from and after its passage.

Passed, August 15th, 1856.

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## CHAPTER CXXXVIII.

An Act for the relief of W. W. O. Stanfield.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby required to issue to W. W. O. Stanfield, a certificate for three hundred and twenty acres of land, which may be

located, surveyed, and patented as in other cases. And that this act take effect immediately.

Passed, August 15th, 1856.

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#### CHAPTER CXXXIX.

An Act for the relief of G. W. L. Haynes.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to G. W. L. Haynes a patent on his pre-emption claim, the field notes of which bears date of May 10th, 1850, as though the field notes had been returned as required by law. And that this act take effect from and after its passage.

Approved, August 15th, 1856.

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#### CHAPTER CXL.

An Act for the relief of F. R. Lubbock.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be, and he is hereby required to issue to F. R. Lubbock, a second class certificate of public debt for three hundred and thirty-six dollars, it being for audited certificate No. 295, issued to A. Wymes, which certificate has been lost; provided, that the said Lubbock shall first file with the Comptroller a bond with security, that the original certificate shall never become a charge against the State.

Sec. 2. That this act take effect from its passage.

Approved, August 15th, 1856.

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#### CHAPTER CXLI.

An Act for the relief of James M. Monroe.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized to issue a headright certificate to

James M. Monroe for three hundred and twenty acres of land, to be located upon any of the unappropriated lands of the State of Texas.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed, August 15th, 1856.

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#### CHAPTER CXLII.

##### An Act for the relief of John Van Hagen.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to John Van Hagen a certificate for three hundred and twenty acres of land, to be located, surveyed and patented according to law. And that this act take effect and be in force from and after its passage.

Approved, August 15th, 1856.

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#### CHAPTER CXLIII.

##### An Act for the relief of Wesley M. Selman.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of one hundred and fifty dollars be, and the same is hereby appropriated out of any money in the Treasury, not otherwise appropriated, to pay Wesley M. Selman for his services as a volunteer under Capt. H. M. Smith, from the 4th day of March to the 6th of September, A. D. 1839; and that the Treasurer of the State be required to pay the same to the said Selman. And that this act take effect and be in force from and after its passage.

Passed, August 15th, 1856.

## CHAPTER CXLIV.

## An Act for the relief of Elijah Votaw.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Elijah Votaw a certificate for one league of land, as a testimony of gratitude for having participated in, and being wounded at the battle of San Jacinto, and that said certificate be located, surveyed and patented according to law.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed, August 15th, 1856.

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## CHAPTER CXLV.

## An Act for the relief of Powhatan Archer.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Powhatan Archer a certificate for three hundred and twenty acres of land, by virtue of his immigration in 1839, to be located, and patented as other claims. And that this act take effect and be in force from and after its passage.

Approved, August 15th, 1856.

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## CHAPTER CXLVI.

An Act to confirm a title issued on the 15th day of June, A. D. 1835, by George Antonio Nixon, Commissioner of Velhelius Colony, to Wilfred Stanley.

Section 1. Be it enacted by the Legislature of the State of Texas, That a title issued by George Antonio Nixon, Commissioner of Velhelius Colony, on the 15th day of June, A. D. 1835, to Wilfred Stanley, for one league of land upon the West bank of the Angelina River, be and the same is hereby confirmed, and the State of Texas hereby disclaims any title in and to the lands described in said grant, in favor of the said

grantee and those lawfully claiming the same under him. Provided, that the rights of third parties shall in no wise be affected by this act.

Sec. 2. That this act take effect from and after its passage.

Approved, August 15th, 1856.

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## CHAPTER CXLVII.

An Act to incorporate the town of Moscow, and define the powers of said Corporation.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Moscow, in the county of Polk, residing within the limits hereinafter designated, be, and are hereby declared a body politic and corporate by the name and style of the town of Moscow, and by that name may sue and be sued, and hold and dispose of real, personal and mixed estate within their corporate limits.

Sec. 2. That the corporate limits and jurisdiction of said corporation shall embrace the following territory, to wit: beginning at the north-east corner of the homestead of D. G. Green, in said town; thence running south one mile; thence west one half mile; thence north one mile; thence east to the beginning.

Sec. 3. That there shall be a Council of said town consisting of a Mayor and six Aldermen, who shall be elected by the qualified electors resident within said corporate limits. There shall also be elected at the same time and in the same manner, a Treasurer and Recorder, and a Marshal. That all the officers elected by this act, shall, before they enter upon the duties of their respective offices, take and subscribe an oath before some officer authorized by law to administer oaths, that they will faithfully and impartially discharge the duties of their respective offices, and the officer elected as Treasurer and Recorder, and the Marshal shall also give a bond with good and sufficient security, payable to the Mayor of the town of Moscow, and his successors in office, to be approved by said Mayor in such sum as he may direct, conditioned to perform the duties of their respective offices.

Sec. 4. That the Chief-Justice of Polk county, upon the written application of ten free-holders or house-holders, within said corporate limits, shall order an election to fill the several

offices created by this act, which election shall be ordered, held and the result declared in the same manner as the Chief-Justice might do under the general laws regulating elections, so far as they may be applicable, declare the results, issue certificates, and when the Mayor may be absent, or shall fail or refuse to perform his duty, or if from any cause said office may be vacant, then any two Aldermen may perform said duty, and should they fail to perform said duty from any cause, the Chief Justice shall perform the same.

Sec. 5. That all officers elected by this act, shall hold their offices until the next general election for county offices, at which time an election shall be held to fill the offices created by this act, and said officers so elected shall hold their offices for two years, and until their successors shall be elected and qualified, and should any vacancy occur in any of the offices created by this act, an election shall be ordered to fill the same as soon as possible, which officer shall hold his office until the next general election for county officers.

Sec. 6. That all free white male citizens, actually residents within said corporate limits, shall be eligible to vote for said officers. But no person shall be eligible to hold the office of Mayor or Alderman, unless he is entitled to vote, and owns real estate within said corporate limits.

Sec. 7. The Mayor shall be President of the Council, the Mayor and three Aldermen, or four Aldermen, in the absence of the Mayor, shall constitute a quorum to do business, and the stated meetings of said Council shall be at such regular and special times as said Council, by their by-laws, may direct.

Sec. 8. The Council shall have power to enact such rules, by-laws and regulations as they may deem proper for the government and improvement of said town, and the preservation of good order in the said corporate limits, in all things; provided, they shall not conflict with the constitution and laws of this State; they shall enact rules and by-laws, to regulate their own proceedings, and shall have full power to enact and enforce proper police regulations; they shall exercise and control and have supervision over the public squares and streets of said town, regulate paving and cleansing of the same, regulate the markets, remove nuisances, establish the squares, streets and sidewalks of the town and keep them in order; and for such purposes may appoint such officers as they may think proper; prescribe their compensation and remove them at pleasure; enact penalties and forfeitures for the infraction and violation of any of

the rules, ordinances, regulations or by-laws, not to exceed in any one case the sum of one hundred dollars for any one offence.

Sec. 9. That the Council at a regular meeting shall have power to fix a tax on all real estate within the limits of said corporation, subject to taxation by the laws of this State; provided, the tax shall not exceed one-half of one per centum ad valorem; that they may levy a poll tax on every free male person resident in said corporation, over the age of twenty-one, and under fifty, not exceeding one-half dollar each, which taxes shall be assessed and collected by the Marshal under the same rules and regulations as the State taxes are collected, so far as the same are applicable, and pay over to the Recorder and Treasurer of said town, one copy of said assessment roll, to be returned to the said Council and filed with said Recorder and Treasurer.

Sec. 10. It shall be the duty of the Recorder and Treasurer to enter in a book all rules, regulations, ordinances, by-laws and proceedings of said Council, and preserve the same, together with all papers, records and documents filed with him belonging to the Council, and he shall be entitled to such compensation as the Council may allow him for his services.

Sec. 11. It shall be the duty also of the Marshal to attend the Council in session, and preserve order, to execute all writs legally issued to him by the Mayor and Council or by the presiding officer of said Council, and he shall exercise the same powers within his jurisdiction, as Constables do in their respective precincts, in serving and returning writs, preserving the peace, &c., and shall receive the same fees which constables do for similar services.

Sec. 12. It shall be the duty of the Recorder and Treasurer to receive and safely keep all the money of the corporation, and shall only pay the same out by order of the Council, by draft signed by the Mayor or presiding officer of the Council, and attested by said Recorder, and he shall make a report to the Council under oath of the state of the finances of the corporation, from time to time as they may order.

Sec. 13. The Mayor and each Alderman shall be conservators of the peace, and the Mayor shall have the same jurisdiction in criminal cases, misdemeanors and breaches of the peace as is vested by law in Justices of the Peace, and shall be governed by the same laws in such cases.

Sec. 14. All suits for the recovery of fines and penalties



for the violation of the ordinances, rules, regulations and by-laws of the Council, and for the recovery of taxes and other dues of the town, shall be instituted before the Mayor in the name of the town of Moscow, who, in disposing of such cases shall be governed by the laws regulating Justices Courts; and all fines and penalties and demands so recovered before such Mayor, shall be paid to said Recorder and Treasurer for the use of said town.

Sec. 15. The Mayor shall examine the entries of the proceedings of said Council, and amend and approve the same, which record shall be considered legal evidence of the acts and proceedings of said Council; and the Mayor and Aldermen shall receive for their services while in session, such compensation as may be allowed by the Council, not exceeding two dollars per day.

Sec. 16. If at any meeting of the Council the office of Mayor be vacant, or he is absent, unable or unwilling to attend from any cause, the Aldermen present shall select one of their number to act as Mayor pro tempore, during said vacancy, and if the Recorder and Treasurer or Marshal shall be so absent, the Council shall fill said office or offices pro tempore.

Sec. 17. The Council while in session shall have power to impose fines and penalties, and imprison for contempt to the same extent that Justices are empowered to do under the law.

Sec. 18. It shall be the duty of the Recorder to post up forthwith, in some public place in said town, a copy of all rules, ordinances and regulations legally passed by said Council for the government of said town, and all books of the corporation shall be open for the inspection of the citizens thereof.

Sec. 19. That this act take effect and be in force from and after its passage.

Approved, August 16th, 1856.

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## CHAPTER CXLVIII.

An Act to amend the caption and the first and sixteenth sections of an act to incorporate the Texas Western Railroad Company, Approved February 16th, 1852.

Section 1. Be it enacted by the Legislature of the State of Texas, That the title or caption of an act to incorporate the Vicksburg and El Paso Railroad Company, or Texas Western

Railroad Company, approved February 16th, A. D. 1852, be so amended as hereafter to read as follows: An Act to incorporate the Southern Pacific Railroad Company. And the first section of the above recited act shall hereafter read as follows: That Rufus Doane, James C. Hill, William T. Scott, Willis Stewart, Sam. Bogart, E. E. Lott, L. B. Camp, James W. Throckmorton, J. D. Todd, Joseph McDougal, Thomas H. Rodgers, Adam Sullivan, Joshua Starr, C. D. Holbert, Mason Mosely and Jacob Fisher, their associates and successors be, and are hereby created and established a body corporate and politic, under the name and title of "The Southern Pacific Railroad Company," with the capacity in said corporate name to make contracts, to have succession and a common seal, to make by-laws for its government and the regulation of its affairs, to sue and be sued, plead and be impleaded, to grant and receive, and generally to do and perform all such acts and things as may be necessary or proper for, or incident to the fulfilment of its obligations or the maintenance of its rights under this act, and consistent with the Constitution of this State; and all the acts done by said Texas Western Railroad Company, or Vicksburg and El Paso Railroad Company, under the act incorporating the same, or any act amendatory thereto, shall be, and are hereby declared to be, as legal and binding on all the parties connected therewith, and on said company, under the name and title of "the Southern Pacific Railroad Company," as if made with said company, under said name.

Sec. 2. That the sixteenth section of the act to which this is an amendment, shall hereafter read as follows: said company shall be required to have a good and sufficient break upon the hindmost car, in all trains transporting passengers or merchandise, and also permanently station there a trusty and skillful breakman, under a penalty not exceeding one hundred dollars, for each offence, to be recovered in any Court of competent jurisdiction for the benefit of the State; and said company shall cause to be placed on each locomotive engine passing on their road, a bell of the weight of at least thirty-five pounds, or a steam whistle, and the said bell shall be rung or the whistle blown at the distance of at least eighty rods from the place of crossing any highway or turnpike, and kept ringing or blowing until the engine has passed or stopped; said company shall be required to construct their railroad with good T or U iron rails; provided, that no land shall be donated unless the company shall actually commence their

road within four years, and actually finish grading and furnishing cross-ties for at least ten miles, within five years, and that this act shall not be construed as an extension of the time of commencement of said road, as required in the original act; provided, this road shall not, under any circumstances, have more than sixteen sections of land to the mile, under the provisions of what is known as the sixteen section law, and all branching privileges to be cut off and none allowed, to be subject to all the provisions of the general railroad law of this State, and the files heretofore made in the General Land Office, shall not secure any rights to said company. And that this act take effect from and after its passage.

Vetoed by the Governor and passed by a constitutional majority, August 16th, 1856.

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## CHAPTER CXLIX.

### An Act to incorporate the town of New Salem.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of New Salem, in the county of Rusk, be, and they are hereby declared a body corporate, by the name and style of "the corporation of the town of New Salem," by which name they may sue and be sued, plead and be impleaded; they may hold property, personal and real: provided, such property is situated within the limits of said corporation.

Sec. 2. That the limits of said corporation shall be the same as those now known as the New Salem Town Tract.

Sec. 3. That an election for one Mayor, five Aldermen, one Treasurer, and one town Marshal, shall be ordered by the Chief-Justice of said county of Rusk, as soon as practicable, after the passage of this act. Said election shall be conducted according to the laws governing elections generally. A similar election shall be annually ordered by the Mayor or a majority of the acting Aldermen, and the persons elected shall hold their office for one year, or until the qualification of their successors.

Sec. 4. That whenever a vacancy shall occur in the office of Mayor, a majority of the acting Aldermen shall order and conduct an election to fill such vacancy, and the person so elected shall hold his office until the next regular election, and the qualification of his successor; and in case of the death,

resignation or removal of any Alderman, Treasurer or Marshal, the Mayor shall order an election to fill such vacancy under such rules and regulations as may be prescribed by the Board.

Sec. 5. That no person shall be eligible to fill any office, under the provisions of this charter, who is not a citizen of the State, and a resident within the limits of said corporation; nor shall any person have the right to vote for such officers, without the same qualifications.

Sec. 6. That the Mayor shall be President of the Board of Aldermen; that three members of said board shall constitute a quorum for the transaction of business, and that said Board shall enact such by-laws for the government of said town, not inconsistent with the constitution and laws of the State as may be deemed proper, and may impose fines for enfraction of the same, not exceeding one hundred dollars for each offence.

Sec. 7. That the Board of Aldermen, shall have and exercise control over the public square and streets of said town, and may compel all free male citizens, Ministers of the Gospel excepted, over seventeen years of age, and under forty-five, to work on the same; provided, that such person shall not be required to work more than six days in any one year. The Board shall have power to impose such fines on defaulters as may be deemed necessary, being governed by the laws of the State, regulating roads.

Sec. 8. That the Board of Aldermen shall have power to levy a tax on all persons and property both real and personal, in said town, subject to taxation, under the laws of the State; provided, that the tax on property shall not in any one year exceed the one-half of one per cent ad valorem, on such property, and no tax shall be levied unless by a vote of two-thirds of said board; which shall be assessed and collected by the town Marshal, in the same manner as the State tax is levied and collected.

Sec. 9. That the Mayor of said town be, and he is hereby invested with all the power and jurisdiction of a Justice of the Peace, within the limits of said corporation; that his fees shall be the same as those allowed to justices of the peace for like services, together with such additional compensation as shall be allowed him by the Board of Aldermen; provided, he execute a bond such as is required of Justices of the Peace.

Sec. 10. That all offences against the by-laws of said town

shall be tried before the Mayor, who shall be governed by the laws regulating Justices of the Peace, so far as the same may be applicable.

Sec. 11. That the Aldermen shall be entitled to ——— for each day they may be required to sit as such Aldermen.

Sec. 12. That the Marshal shall give bond and security as required by Constable; he shall execute and return all writs issued by the Mayor; his powers, duties and fees shall be the same as those of Constable, so far as the same may be applicable.

Sec. 13. That the Treasurer shall safely keep all monies of the corporation; shall pay out the same upon the order of the Board of Aldermen; he shall give bond with security to be approved by the Board, payable to the Mayor and his successors in office, in such sum as may be deemed proper, conditioned for the faithful performance of his duties; and he shall receive for his services such compensation as may be allowed him by the Board.

Sec. 14. That the Board of Aldermen shall have power to appoint a Recorder, whose powers, duties and compensation shall be such as they may prescribe.

Sec. 15. That this act shall take effect from its passage.

Approved, August 16th, 1856.

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## CHAPTER CL.

### An Act donating one league of land to Ramon Orteiz, curate of El Paso.

Whereas, during the captivity of "The Santa Fe" prisoners, and while the said prisoners were suffering at the hands of the authorities of Mexico, the most cruel, harsh and barbarous treatment on their long, tedious and forced march from the city of Santa Fe to the point of their destination for future imprisonment, and while many, if not the whole number of said prisoners were experiencing the utmost suffering and misery, superinduced by a want of the actual necessities of life; on their arrival at El Paso, the said Ramon Orteiz, prompted by the dictates of humanity, and a kindly disposed heart, and viewing the distressed condition of the aforesaid unfortunate captives, immediately raised a subscription among the inhabitants of his aforesaid Parish

of El Paso, and also contributed his own mite, by which means the sufferings of said prisoners were greatly relieved, and this Legislature desiring to manifest the gratitude of the State therefor.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby required to issue to the said Ramon Ortey, his heirs or assigns, a certificate for one league of land, which said certificate may be located upon any of the unappropriated lands of the State.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved, August 16th, 1856.

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#### CHAPTER CLI.

An Act for the relief of certain Sheriffs therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of Public Accounts for the State of Texas, be authorized and required to audit the account of Joab B. Harrel, Sheriff of Williamson county, for the sum of eighty-seven dollars, expenses incurred by him in conveying Massellen Farley, a convict to the State Penitentiary; and the claim of John A. Vernon, late Sheriff of Nueces County, for the sum of one hundred and twenty-five dollars, expenses incurred by him in conveying George Green and John Hunter to the State Penitentiary; and that the Treasurer be authorized and required to pay the said sums of money out of any money in the Treasury not otherwise appropriated. And that this act take effect from and after its passage.

Passed, August 16th, 1856.

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#### CHAPTER CLII.

An Act for the relief of William B. Jaques.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of six hundred and forty-one dollars is hereby acknowledged to be due William B. Jaques, for cattle furnished by him to the Mier Expedition, in the year 1842.

Sec. 2. That the Treasurer of this State be, and he is hereby authorized and required to pay to the said William B. Jaques the said sum of six hundred and forty-one dollars, out of any money in the Treasury not otherwise appropriated. And that this act take effect from its passage.

Approved, August 16th, 1856.

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#### CHAPTER CLIII.

#### An Act to Incorporate Gonzales Lodge No. 38 of the Independent Order of Odd Fellows.

Section 1. Be it enacted by the Legislature of the State of Texas, That James Collier, Noble Grand, W. H. Wyatt, Vice Grand, L. H. Russell, Recording Secretary, and R. W. Simmons, Treasurer, and their successors in office, be, and they are hereby declared a body corporate, under the name and style of Gonzales Lodge No. 38, of the Independent Order of Odd Fellows, and capable in law to sue and be sued, plead and be impleaded, in all the courts of law or equity within the State of Texas.

Sec. 2. That the said body corporate shall have a seal with such devise upon the same as the said body corporate shall deem proper, which seal shall be received in all the courts of the State by its impress, as proof of the official acts of the said body corporate.

Sec. 3. That the said body corporate shall consist of such offices as appertain to a subordinate Lodge of I. O. of O. F. and that the said body corporate shall have such an organization and such constitution and by-laws for their government as shall be prescribed by the Grand Lodge of I. O. of O. F. of the State of Texas, and the surrender of their charter to the said Grand Lodge, or the withdrawal of the same by said Grand Lodge, shall operate instant.

Sec. 4. That the said body corporate shall have power to hold real estate to the amount of one town lot in the town of Gonzales, in Gonzales county, in said State, being in size, forty by sixty varas, and also sufficient real estate for a burying ground, for the members of said body corporate, not exceeding twelve acres of land in quantity for such burying ground.

Sec. 5. That the said body corporate shall have power to make contracts, necessary to carry on their executions and improvement

and also to invest or loan their funds at legal or conventional interest, and to take the necessary securities for the same, and to duly collect the same; also to receive donations, either by gift or desire, for charitable and benevolent purposes.

Sec. 6. And that this act shall take effect and be in force, from and after its passage.

Passed, August 18th, 1856.

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#### CHAPTER CLIV.

An Act to incorporate Hopkins Encampment Number Seven of the Independent Order of Odd Fellows.

Section 1. Be it enacted by the Legislature of the State of Texas, That the officers and members of Hopkins Encampment number seven, of the Independent Order of Odd Fellows, situated at the town of Lagrange, in the county of Fayette, in this State, their successors in office, and such as may hereafter become members of said Encampment, be, and they are hereby declared and constituted a body corporate and politic, by the name aforesaid, with power at all times hereafter, to have, receive and retain property, real, personal and mixed, and the same at their pleasure to dispose of; provided, the same shall not at any time exceed in value twenty thousand dollars.

Sec. 2. That said corporation shall be capable of suing and being sued, answering and being answered unto; may have a common seal, and the same to alter and change at their pleasure, and generally shall have and exercise all rights, privileges and immunities, by law incident or necessary to corporations.

Sec. 3. That this act shall take effect and be in force from and after its passage.

Passed, August 18th, 1856.

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#### CHAPTER CLV.

An Act to amend the second section of an act to incorporate the Dallas Bridge and Causeway Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the second section of the above recited act, be



so amended as to read as follows: That it shall be the duty of said company, within three years from and after the passage of this act, to construct a good, substantial, safe and convenient bridge across the Trinity river, opposite the town of Dallas, in Dallas county, and it shall be the duty of said company to keep said bridge in safe and convenient repair during the term of thirty years. And that this act take effect and be in force from and after its passage.

Passed, August 18th, 1856.

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## CHAPTER CLVI.

An Act to incorporate the town of Anderson, Grimes county, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Anderson in Grimes county, be, and they are hereby declared to be a body politic and corporate, under the name and style of the corporation of the town of Anderson, and by that name may sue and be sued, plead and be impleaded, and hold and dispose of real and personal property, provided such real property is situated within the limits of said corporation, and for the use and benefit of the same.

Sec. 2. That it shall be the duty of the citizens of said corporation to elect a Mayor, five Aldermen and a Constable who shall hold their office for twelve months, and until their successors are elected and qualified.

Sec. 3. That the first election shall be held under the direction and by order of the Chief Justice of the county of Grimes, after giving ten days notice thereof, and the annual election shall be under the direction and by order of the Mayor, he giving ten days notice of said election, previous to the expiration of his term of office, and in case the Chief Justice in the first instance, or the Mayor thereafter, shall fail or refuse to order an election as above required, then the same may be ordered at any time thereafter, by any three free holders, citizens, living within the said corporation they giving the same notice that is required of the Chief Justice and Mayor.

Sec. 4. That in case of a vacancy in any office of Alderman or Constable, by death, resignation or otherwise, it shall be the duty of the Mayor to order an election to fill said vacancy or vacancies, after giving notice as required in section

third. In case of a vacancy in the office of Mayor, it shall be the duty of the Alderman, or any two of them, to order an election for Mayor, giving ten days notice; and in case either the Mayor or Alderman should fail or refuse to order an election as above required, then any three free holders, citizens, may order an election after giving the notice required in such cases.

Sec. 5. That the Mayor and Aldermen shall elect a Secretary and Treasurer out of their own body. The Treasurer and Constable shall each, before entering upon the duties of their office, give bond with two or more good and sufficient securities (payable to the Mayor) in the sum of five hundred dollars for the faithful discharge of their duties, to be approved by the Mayor, said bonds shall not be void on the first recovery, but may be sued on from time to time by and in the name of said corporation, until the whole amount thereof is recovered, and that said corporation may sue in any court, having jurisdiction of the amount which said corporation may sue for, on account of the default or misconduct of said Treasurer or Constable.

Sec. 6. That the Mayor and Aldermen shall have exclusive jurisdiction and control over the patrols within the corporate limits, and may establish whatever police regulations they may see proper, to preserve the peace and order of said town. And that no citizen of said town shall be subject to patrol's duty without the limits of the corporation.

Sec. 7. That the Mayor and Aldermen may levy and collect a tax upon all the taxable property within the corporation not to exceed one-half of the State tax, and that the collector of taxes of said town, upon property, and also the road tax, shall have the power to enforce the collection of the same, as is given by law to the collector of State and county taxes.

Sec. 8. That the Constable of said town shall once in each year, assess and collect the taxes on property, and the road tax, under the direction of the Mayor and Aldermen, and shall pay the same with all other monies, that may come into his hands belonging to said town, over to the Treasurer. He shall be chief of the police or patrols, and shall oversee and superintend the working of the streets and roads of said town and shall receive therefor such compensation as may be allowed by the Mayor and Aldermen.

Sec. 9. That the Mayor and Aldermen may make what-

ever rules and regulations that may be necessary for the government of their own body and the officers of said town.

Sec. 10. That the limits of said corporation shall extend one-half mile in every direction from the Court House on the public square of said town of Anderson.

Sec. 11. That no person shall be eligible to any office, under the provisions of this charter, who is not a citizen and a resident within the limits of the corporation, nor shall any person have a right to vote for officers who is not a citizen and resident within its limits and a tax payer, either on property or streets.

Sec. 12. That the Constable of said town shall be a peace officer, within the limits of the same, and may arrest and bring before the Mayor for trial, all persons who have violated any rule or ordinance of said corporation.

Sec. 13. That the Mayor shall be authorized to imprison for a limited time, (in no case to exceed forty-eight hours) every such person or persons, who shall fail or refuse to pay such fine or penalty, as may be assessed against him or them for a violation of any rule or ordinance of said town.

Sec. 14. That the Mayor and Aldermen shall have power to pass such rules and ordinances that may be for the government of said town, for the suppression of all riotous and disorderly conduct, and for the preservation of order within the same. To abate nuisances and to prescribe penalties for the violation of any rule or ordinance of said town, such penalties in no case to exceed twenty-five dollars, the said rules and ordinances to be enforced and executed by the officers of said corporation, provided the same be not in conflict with the Constitution and laws of this State.

Sec. 15. That the Mayor, while sitting as a court for the trial of persons violating any of the ordinances, shall have the power to fine any person for contempt of court, and enforce the collection of the same in like manner as other penalties.

Passed, August 18th, 1856.

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## CHAPTER CLVII.

An Act to incorporate and establish the *Mechanic's Institute*.

Section 1. Be it enacted by the Legislature of the State of Texas, That a Seminary of learning be and the same is hereby

established at Waco, in McLennan county, to be denominated the Mechanic's Institute.

Sec. 2. That there shall be twelve Trustees who are hereby authorized to take charge of the Institute, and a majority of the whole number shall constitute a quorum to do business.

Sec. 3. That the following persons being associated together as stock holders and styling their association the Mechanic's association, as above denominated, are hereby recognized as Trustees, to wit: N. M. Goode, R. P. Dean, J. C. Petigrew, J. S. Morum, H. A. Hockady, W. A. Williams, C. L. Frew, J. K. Hanna, Robert Crudup, A. J. Fox, R. Nip and R. N. Goode.

Sec. 4. That the Trustees aforesaid be and they are hereby constituted a body politic and corporate in deed and in law, by the name of the President and Trustees of the Mechanic's Institute, and by that name they and their successors shall and may have succession and exercise the privileges in law to have, receive and enjoy, to them and their successors, lands, tenements or hereditaments of any kind in fee or for life or for years, and personal property of any kind whatsoever, and also all sums of money, which may be given, granted or bequeathed to them for the purpose of promoting the interest of the said Institute.

Sec. 5. That the stock holders shall have power to make by-laws for their association, and said Institute for their own government and that of said Institute, provided the same be not repugnant to the Constitution and laws of this State.

Sec. 6. That the stock holders of said Institute may have a common seal for the business of themselves and their successors, with liberty to change or alter the same from time to time, as they shall think proper, and that by their aforesaid name they and their successors shall and may be able to sue and be sued, plead and be impleaded, answer and be answered defend and be defended in all courts of law and equity in this State, and to grant, bargain and sell or assign any lands, tenements, goods or chattels now belonging to said stock holders, or that may hereafter belong to the same, to construct all buildings for said Institute, to act and do all things whatsoever for the benefit of said Institute, in as ample a manner as any person or body politic or corporate, can and may do by law.

Passed, August 18th, 1856.

## CHAPTER CLVIII.

## An Act to incorporate the town of Woodville.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Woodville, in Tyler county, be, and they are hereby declared a body corporate and politic, under the name and style of the town of Woodville, and by that name may sue and be sued, plead and be impleaded, may hold and dispose of property, real, personal, or mixed, in the town of Woodville or elsewhere, shall have perpetual succession and shall have and use one common seal, and may change or alter it or substitute a new one in lieu of it at pleasure.

Sec. 2. That said corporation shall include within its limits, and exercise lawful jurisdiction over the tract of land conveyed to the county of Tyler by Josiah Wheat, now forming the limits of the said town, and over the surrounding country to the extent of one-half mile from the public square of said town.

Sec. 3. There shall be a common Council of said town to consist of a Mayor and four Aldermen, who shall be elected by the qualified voters resident within the corporate jurisdiction of the same, and there shall also be elected, at the same time and in the same manner, a Recorder, a Treasurer and a Marshal, and all the officers elected under the provisions of this act, shall, before they enter upon the discharge of the duties of their respective offices, take and subscribe an oath before any officer authorized to administer oaths, that they will faithfully and impartially discharge and perform all the duties of their respective offices. The Treasurer and Marshal shall also, before entering upon the discharge of the duties of their respective offices each, execute and deliver to the Mayor a bond with two or more good and sufficient sureties, to be approved by the common Council in a penalty not exceeding two thousand dollars, conditioned that they shall well and truly and faithfully perform all the duties of their respective offices, which bond shall not be void upon the first recovery, but may be sued on from time to time till the whole amount of the penalty thereof be recovered.

Sec. 4. An election shall be held at the court house in said town on the first Monday of April each and every year, for one Mayor, four Aldermen, one Recorder, one Treasurer and one Marshal, the first election shall be ordered and directed

by the Chief Justice of Tyler county, as in general elections, and shall occur on the first Monday in October, 1856, and every subsequent election shall be ordered by the Mayor, who shall have the same power that is given to the Chief Justice by the law regulating general elections, so far as the same may be applicable, and shall declare the results and issue certificates of election. Whenever the office of Mayor may be vacant, or he may be absent from the county or fail or refuse to perform his duty in this respect, then any two of the Aldermen may perform said duty, and if they should fail or refuse, from any cause, then and in that case, the Chief Justice of the county shall perform the same.

Sec. 5. All officers elected by virtue of the provisions of this act, shall hold their offices as follows: those elected at the first election shall hold their offices until the first Monday in April, 1857, and all others elected under the provisions of this act, shall hold their offices until the next annual election, and until their successors shall have been elected and qualified. Whenever from any cause a vacancy may occur in any of the said offices, an election shall forthwith be ordered to fill such vacancy, and the officer so elected shall hold his office until the next annual election, or until his successor shall have been duly elected and qualified.

Sec. 6. All free white males of, and over the age of twenty years, who may have been resident citizens within the limits of said corporation for one month next preceding any election, and who may in other respects be legal voters of the State of Texas, shall be entitled to vote for all officers of said corporation.

Sec. 7. No person shall be eligible to any of the offices aforesaid, unless he be a resident within the limits of said corporation and entitled to a vote therein.

Sec. 8. The Mayor shall be president of the Council and he and any two of the Aldermen shall constitute a quorum to do business, the regular meetings of the Council shall be held on the third Mondays in April and October; and special meetings may be held at such other times as the Mayor may direct, and any business may be transacted at such special meetings as might have been transacted at a regular meeting of the Council, except the levying of taxes, which must be done at some regular meeting of the Council.

Sec. 9. The common Council shall have power to enact such rules, ordinances and regulations as they may deem suf-

ficient for the proper government and improvement of the town and preservation of good order within the corporate limits thereof; provided, they shall not conflict with the constitution and laws of this State, or of the United States, they may enact rules and by-laws to regulate their own proceedings and shall have full power to enact and enforce proper police regulations, while in session they may impose fines and imprison for contempt, they shall have and exercise control over the public squares and streets and alleys of said town. Open and keep open, regulate, cleanse and improve the same, abate all nuisances, create new streets, squares and alleys, when necessary, and keep them in order, and for such purposes may appoint such officers as they may deem proper, prescribe their compensation and remove them at pleasure, and may enact penalties and forfeitures, for infraction or violation of the rules and ordinances, regulations or by-laws, not to exceed a fine of one hundred dollars and imprisonment for forty-eight hours, for any one offence, they may compel all free white male citizens between the age of sixteen and forty-five years, and all male slaves and free negroes over fifteen and under sixty years of age, who are residents of said corporation, to work on the public streets, squares and alleys of the same; provided, such persons shall not be compelled to work more than ten days in each year, and provided further, that such persons shall not be compelled to work on any road beyond the limits of said corporation.

Sec. 10. The common Council at a regular meeting shall have power to levy and collect a tax on all property, real and personal within the limits of said corporation, subject to taxation by the laws of Texas, not to exceed one-half of one per cent., ad valorem; they shall have power to levy and collect a license tax upon all tippling or drinking houses or groceries, and upon all mercantile houses or establishments, upon all billiard tables, nine or ten pin alleys, upon all shows, circuses and upon all theatres and theatrical performances within the limits of said corporation.

Sec. 11. It shall be the duty of the Recorder to enter into a well bound book, all the rules and ordinances, regulations, by-laws and proceedings of the Council, and preserve the same together with all papers, reports and documents filed with him belonging to the Council, and he shall be entitled to such compensation as the Council may allow him for his services.

Sec. 12. It shall be the duty of the Marshal to attend the Council in session and preserve order, to execute all writs legally issued and directed to him by the Mayor or common Council, and he shall have and exercise the same powers as Constable of the county, execute and return said writs in such manner as is provided by the law defining the duties of Constables, and he shall be entitled to the same fees allowed to Constables for similar services, and such other compensation for other services as the common Council may allow.

Sec. 13. It shall be the duty of the Treasurer to receive and safely keep all the money of the corporation, and he shall only pay out the same by order of the Council, evidenced by draft signed by the Mayor and attested by the Recorder, and he shall make reports to the common Council under oath, of the financial condition of the corporation, from time to time, as they may order, for which services he shall receive such per centage on the monies paid in to the treasury as the common Council may allow.

Sec. 14. All suits and complaints for the recovery or infliction of fines, penalties, forfeitures or punishment of any sort for the violation of the ordinances, rules and regulations and by-laws of the common Council, and for the recovery of the taxes or license or other dues to the corporation, shall be instituted before the Mayor in the manner of their disposition, shall, as far as practicable, be governed by the laws governing Justice Courts in this State.

Sec. 15. At the closing of each meeting of the common Council, the Mayor shall examine the entries of the proceedings of the Council, made by the Recorder and approve and sign the same, which shall be considered recorded evidence in all the courts in the State, of the acts and proceedings of said common Council.

Sec. 16. The Mayor and Aldermen shall be entitled to such compensations for their services, while in session, as may be allowed by the common Council, not to exceed two dollars per day.

Sec. 17. If at any meeting of the common Council the office of Mayor be vacant, or the Mayor be absent or fail or refuse to act, the Aldermen present shall select one of their number to act as Mayor pro tem., and if the office of Recorder or Marshal be vacant, or either of them fail to attend from any cause, the common Council, may appoint a Marshal or Recorder pro tem.



Sec. 18. It shall be the duty of the Recorder to put upon the Court-house door a copy of all rules, ordinances and regulations for the government of the town, immediately after their passage, and all books of the corporation shall be open for the inspection of citizens of the corporation, at any and all times when the same may be demanded.

Sec. 19. That this act shall take effect and be in force from and after its passage.

Passed, August 18th, 1856.

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## CHAPTER CLIX.

### An Act to incorporate Cartmell Lodge No. 39 Independent Order of Odd Fellows.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. T. Norris, George W. Horton, Joseph M. Glenn and James A. Wilkins, and their successors in office, be, and they are hereby created a body politic and corporate, under the name and style of Cartmell Lodge Number Thirty-Nine, Independent Order of Odd Fellows, and by that name may have perpetual succession, a common seal, may sue and be sued, plead and be impleaded, and may hold, enjoy and dispose of real and personal property, not to exceed ten thousand dollars in value.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed, August 18th, 1856.

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## CHAPTER CLX.

### An Act for the relief of Richard Alderson.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be and he is hereby required to issue to Richard Alderson a certificate for six hundred and forty acres of land, to be located and patented as other certificates; provided, there has not been a certificate heretofore issued to said Alderson.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed, August 18th, 1856.

CHAPTER CLXI.

An Act for the relief of Andrew Dougherty.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be authorized, and is hereby required to issue to Andrew Dougherty, a certificate for three hundred and twenty acres of land, which may be located, surveyed and patented as other third class headrights. And that this act take effect from its passage.

Passed, August 18th, 1856.

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CHAPTER CLXII.

An Act for the relief of Anthony Miller.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be, and he is hereby required to draw a draft upon the Treasurer, in favor of Anthony Miller, for four hundred and fifty dollars, for pay due said Miller, as one of the Santa Fe prisoners, and for extra services as repairer of wagons on said Santa Fe expedition; and that the Treasurer pay the same upon presentation.

Sec. 2. That the sum of four hundred and fifty dollars is hereby appropriated out of any money in the Treasury, for the payment of the draft mentioned in the first section of this act.

Sec. 3. That this act take effect from its passage.

Approved, August 18th, 1856.

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CHAPTER CLXIII.

An Act for the relief of Mary K. Sherman.

Section 1, Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby required to issue to Mary K. Sherman, sole heir of Wm. Kirk, dec'd., a certificate for twelve hundred and eighty acres of land, which may be located, surveyed and patented as other second class headrights. And that this act take effect from and after its passage.

Passed, August 18th, 1856.

## CHAPTER CLXIV.

**An Act for the relief of Abslom J. Lott.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to the heirs of Abslom J. Lott, a certificate for six hundred and forty acres of land, which may be located upon any of the vacant and unappropriated domain of the State.

Sec. 2. That this act take effect from and after its passage.

Approved, August 20th, 1856.

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## CHAPTER CLXV.

**An Act for the relief of John Moody.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue a certificate for six hundred and forty acres of land to John Moody.

Sec. 2. That said certificate, when so issued, may be located and patented as in other cases, and that this act take effect from and after its passage.

Approved, August 20th, 1856.

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## CHAPTER CLXVI.

**An Act for the relief of James Wall.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of Public Accounts be and he is hereby required to audit and allow the account of James Wall, against the late Republic of Texas, for the amount of ninety-nine dollars and fifty cents, in par funds, and that he draw a warrant upon the Treasurer of the State for the sum of ninety-nine dollars and fifty cents, which shall be paid out of any money in the Treasury not otherwise appropriated; provided, said Wall shall file his release in full for all claims against the late Republic of Texas. And that this act take effect and be in force from its passage.

Approved, August 20th, 1856.

CHAPTER CLXVII.

An Act for the relief of the heirs of John P. Rohns.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized to issue a certificate to the heirs of John P. Rohns for one league and one labor of land, as a headright, to which said John P. Rohns is entitled by virtue of his emigration to the Republic of Texas, with his family, previous to the declaration of Independence.

Sec. 2. That said certificate may be located, surveyed and patented according to the laws regulating first class claims for headrights to lands. And that this act take effect and be in force from and after its passage.

Passed, August 20th, 1856.

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CHAPTER CLXVIII.

An Act for the relief of the heirs of Edgar M. Sanders.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to the heirs or legal representatives of Edgar M. Sanders, dec'd., a certificate for six hundred and forty acres of land, to be located, surveyed and patented as other headright certificates. And that this act take effect and be in force from and after its passage.

Passed, August 20th, 1856.

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CHAPTER CLXIX.

An Act for the relief of William Frels.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to cancel the record of the patent for one third of a league of land, improperly

issued to William Frels on the 30th day of September, 1845, the same land having been patented to James Welch on the first day of August 1841.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved, August 20th, 1856.

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#### CHAPTER CLXX.

An Act for the relief of Miles Bennett.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to change the patent issued to Miles Bennett, on the fourteenth day of November, 1849, for three hundred and twenty acres of land, lying in Anderson county, by virtue of Bounty Warrant No. 152, by striking out the word east in the beginning, call in said patent and inserting south 65° west. And that this act take effect and be in force from and after its passage.

Approved, August 15th, 1856.

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#### CHAPTER CLXXI.

An Act for the relief of James W. Taylor.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to James W. Taylor a certificate for (320) three hundred and twenty acres of land, to be located, surveyed and patented according to law. And this act take effect from and after its passage.

Approved, August 20th, 1856.

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#### CHAPTER CLXXII.

An Act for the relief of certain persons therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, that the Commissioner of the General Land Office be, and he is hereby authorized and required to issue a certifi-

cate to Samuel Damon, for six hundred and forty acres donation land, for having been at the capture of San Antonio in the year 1835; a certificate for six hundred and forty acres to Agabus Winters, donation land for having been at the battle of San Jacinto in the year 1836; also a certificate for three hundred and twenty acres to J. W. Capes, as bounty land for having served in the army in the years 1837 and 1838; also six hundred and forty acres to Bradley S. Follett, as his headright for emigrating to Texas.

Sec. 2. That the above certificates may be located, surveyed and patented on any vacant land in the State of Texas, not otherwise appropriated. And this act shall take effect from and after its passage.

Approved, August 20th, 1856.

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#### CHAPTER CLXXIII.

##### An Act for the relief of Preston W. Hobbs.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Preston W. Hobbs, a certificate for three hundred and twenty acres of land, to be located, surveyed and patented according to law. And that this act take effect and be in force from and after its passage.

Passed, August 20th, 1856.

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#### CHAPTER CLXXIV.

##### An Act for the relief of Reuben Crawford.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to Reuben Crawford a certificate for three hundred and twenty acres of land, to be located, surveyed and patented upon any of the vacant public domain, as other headright certificates.

Sec. 2. That this act take effect from and after its passage.

Passed, August 20th, 1856.

## CHAPTER CLXXV.

An Act for the relief of the heirs of Elizabeth Howard, dec'd, and other persons therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is required to issue to the heirs of Elizabeth Howard, deceased, a certificate for six hundred and forty acres of land; to Larkin Martin, a certificate for eight hundred and thirty-six acres of land; to Thomas R. Foster, a certificate for three hundred and twenty acres of land; to Felix G. Secrest, a certificate for six hundred and forty acres of land, all of which certificates may be located, surveyed and patented as other third class claims. And that this act take effect from its passage.

Approved, August 20th, 1856.

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CHAPTER CLXXVI.

An Act for the relief of Elizabeth Tally.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and is hereby required to issue to Elizabeth Tally, a certificate for one league and labor of land, which, when issued, may be located and patented as other like certificates.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed, August 20th, 1856.

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CHAPTER CLXXVII.

An Act for the relief of the heirs of Alfred Benton, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue a certificate to the heirs of Alfred Benton, deceased, for one-third of a league of land, which may be located upon any of the public domain of the State, not previously surveyed.

Sec. 2. That this act take effect from its passage.

Passed, August 20th, 1856.

CHAPTER CLXXVIII.

An Act to incorporate Alta Mira Lodge of the Independent Order of Odd Fellows.

Section 1. Be it enacted by the Legislature of the State of Texas, That the officers and members of Alta Mira Lodge of the Independent Order of Odd Fellows, located and established at Anderson, in Grimes county, and their successors shall be, and they are hereby declared to be a community corporation and body politic by the name and style of Alta Mira Lodge, Independent Order of Odd Fellows, and by that name they and their successors shall and may at all times hereafter be capable in law to have, receive, and retain any property or estate, real or personal, by gift, purchase, devise or bequest not to exceed the value of fifty thousand dollars, and such estate or property at their pleasure to sell or transfer, or dispose of, and generally to manage and control in such manner as they may think proper.

Sec. 2. The corporation by the name and style aforesaid, shall be capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all and every Court in this State, and before all or any of the Judges, Justices of the Peace, Officers or other competent persons whatsoever, in all actions at law or suits in equity, in and about all things whatsoever.

Sec. 3. The said corporation may have a common seal for their use, and the same at their will to change, alter, or make a new from time to time, as they may think best, and shall in general have and exercise all such rights, privileges and immunities as are by law and custom incident and necessary to corporations of a similar character. And that this act take effect and be in force from and after its passage.

Passed, August 20th, 1856.

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CHAPTER CLXXIX.

An Act to amend an act to incorporate the Brownsville and Rio Grande Railroad Company, approved Feb. 7th, 1853.

Section 1. Be it enacted by the Legislature of the State of Texas, That the 2d section of the act to which this is amen-



datory be, and the same is hereby amended so as to read as follows:

That said Company be and is hereby invested with the right to locate, construct, own and maintain a railway commencing at a suitable point, (at any point,) on the coast or Laguna Madre, between the mouth of the Rio Grande and six miles above Point Isabel, thence running by such course as said Company may deem most expedient in the direction of Brownsville. Provided, that nothing in the above recited act shall be construed so as to preclude said Company from constructing a branch of said railroad from the main trunk to the Salt Lake, (Sal del Rey) or from said railroad, connecting the Rio Grande therewith, at a point not higher up said stream than opposite Reynosa, as said Company shall deem and determine to be most suitable, with the right of making, owning and maintaining such branches of said railroad as they may deem expedient.

Sec. 2. That the 16th section of the act to which this is amendatory be, and the same is hereby amended so as to read as follows: Said Company shall be required to have a good and sufficient brake upon the hindmost car, in all trains transporting passengers or merchandise, and also, permanently stationed there, a trusty and skillful brakeman, under penalty of not exceeding the sum of one hundred dollars for each offence, to be recovered in any Court of competent jurisdiction for the benefit of the State. And said Company shall cause to be placed on each locomotive engine, passing over their road, a bell of the weight of thirty-five pounds or a steam whistle, and the said bell shall be rung or the whistle blown at the distance of at least eighty rods from the place of crossing any highway or turnpike, and kept ringing or blowing until the engine has passed or stopped. Said Company shall be required to construct their railroad with good U or T iron rails. Provided, that no land shall be donated unless the Company shall actually commence their road within five years, and actually complete and finish at least ten miles within six years.

Sec. 3. That the 19th section of the above recited act be, and the same is hereby so amended as to read as follows: That if said railroad shall not be commenced within six years from the passage of this act, and the road not completed from the starting point to Brownsville, within eight years, then the charter shall be null and void.

Sec. 4. That said Company shall be required to hold all meetings for the election of its officers within the State, and to have a majority of its Directors resident citizens thereof, and also to keep its principal office for the management of its affairs within the State. That no subscription shall be received unless five per cent. thereof is paid at the time of subscribing, and whenever the per centage on the capital stock subscribed shall amount to one hundred thousand dollars, a majority of the Commissioners shall be authorized to call a meeting of the subscribers and hold an election for officers, after which the subscribers shall become a corporation with all the powers that are set forth in the charter incorporating the same.

Passed, August 20th, 1856.

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CHAPTER CLXXX.

An Act for the relief of the heirs and legal representatives of Dawson B. Charlton, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to the heirs of Dawson B. Charlton an unconditional certificate for three hundred and twenty acres of land, to be surveyed and located upon any unappropriated public domain of this State. And this act shall take effect and be in force from and after its passage.

Approved, August 21st, 1856.

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CHAPTER CLXXXI.

An Act for the relief of the heirs of James Selman, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to the heirs or legal representatives of James Selman, deceased, a certificate for eleven hundred and fifty-six acres of land, to be located, surveyed and patented according to law. And that this act take effect and be in force from and after its passage.

Approved, August 21st, 1856.

## CHAPTER CLXXXII.

An Act for the relief of Thornton Thatcher, Chas. S. Betts, and the heirs of Samuel T. Brown.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and is hereby authorized and required to issue to Thornton Thatcher a certificate for three hundred and twenty acres of land. Also to issue to Chas. S. Betts a certificate for three hundred and twenty acres of land. And to issue to the heirs of Samuel T. Brown, deceased, a certificate for one-third of a league of land. Said certificates may be located, surveyed, and patented as other certificates. And that this act take effect and be in force from and after its passage.

Approved, August 21st, 1856.

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CHAPTER CLXXXIII.

An Act to incorporate the town of Helena, in Karnes County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the people of the town of Helena, in the county of Karnes, be, and they are hereby declared a body politic and corporate, under the name and style of the town of Helena, and by that name may sue and be sued, plead and be impleaded, may hold and dispose of real, personal and mixed estate, and do and perform all other matters generally pertaining to corporations.

Sec. 2. That one half-mile east, west, north and south, from the centre of the public square, in said town, making one square mile, shall constitute the corporate limits of said town.

Sec. 3. As soon as practicable after the passage of this act, it shall be the duty of the Chief Justice of said county, or two Commissioners of the same, to order an election for one Mayor, five Aldermen, a Treasurer and Town Constable, at least ten days notice shall be given of the time and place of holding said election; said Mayor and Aldermen, when duly qualified, shall constitute the town Council and shall be enti-

tled to hold their office for one year from the date of their organization, or until such time as their successors may qualify.

Sec. 4. The returns of election for the years 1856, shall be made to the Chief Justice of the said county of Karnes, who shall qualify all officers so elected by administering the constitutional oath of office, and all elections thereafter shall be ordered by the Mayor, and the returns of election made to the town Council, and the Mayor shall qualify all officers so elected.

Sec. 5. No person shall be eligible as an officer of said corporation, nor vote in the election of the same unless he resides in the limits of the same.

Sec. 6. The Mayor shall preside, and the Mayor and three Aldermen shall form a quorum to transact business, and in the absence of the Mayor, four Aldermen shall constitute a quorum, one of whom shall be elected to the chair, and act as Mayor pro tem.

Sec. 7. The town Council shall have full power to make and pass such by-laws or ordinances and resolutions as they shall deem necessary to preserve the Records, Maps and Field Notes of said town, to maintain the cleanliness and salubrity of said town, to insure the safety and convenience of passing in the streets, sidewalks and public ways, to prevent encroachments on the public grounds, works or city property, to organize a fire department for extinguishing and preventing conflagrations, to prevent the storage of powder within the incorporate limits, to establish a system of police for the maintenance of public order and tranquility; to permit theatres, shows, or other amusements, under such regulations and restrictions as they may direct, to establish one or more market places, and to regulate the same; to take charge and superintendence of all streets, roads, alleys and ways, to appoint the necessary overseers for the same, and to enforce labor thereupon, in the same manner as such authority is now exercised by law by the County Court; to enact all ordinances to carry this act into effect, and to fix such penalties by fine and imprisonment, or by fine without imprisonment, until such fine and costs of prosecution and collection, be paid as they may determine. Such imprisonment not to exceed thirty days, and such fine not to exceed one hundred dollars, to appoint all subordinate officers necessary, to grant licenses to all billiard tables, coffee houses, groceries, or any place of amusement in said town, and to determine the amount of said licenses, not to exceed one-

fourth of the license levied by the State, to have and exercise the power of laying, levying and collecting taxes upon all subjects of taxation within the incorporate limits upon which a tax may be levied by the State or county; provided, said tax shall not exceed in any one year, more than one-half of the State tax upon such subjects of taxation.

Sec. 8. The Mayor shall have the power and concurrent jurisdiction of a Justice of the Peace over all such civil and criminal matters as may arise within said corporate limits, and which by existing laws are cognizable before a Justice of the Peace, and in the same manner and with the same power and authority as a Justice of the Peace. He shall have jurisdiction over all penalties for the violation of the ordinances of said town, as the same may be ordained from time to time, and to issue a warrant on a complaint made before him for the arrest of those who violate the said ordinances or any of them, to adjourn the hearing thereof as in his discretion may be just, to hear and determine the said complaints, to render judgment thereupon for such fine or fines and imprisonment, as he may determine, with costs of suit; and to enforce such judgment by execution; and the Mayor shall have power to commit those against whom judgment is rendered for fine and costs to prison, until such time as such fines and costs are paid; provided, that such imprisonment shall not exceed thirty days. And all causes, civil or criminal, tried before the Mayor, under the provisions of this act, and of which Justices of the Peace may now or hereafter have cognizance, shall be conducted in the same manner as is now or may hereafter be provided by the laws regulating the causes in Justices Courts, in like cases, including the issuance and return of process and trial by jury, and all process issued by the Mayor in such cases, may be directed to and served or executed by the town Constable or Sheriff of Karnes county.

Sec. 9. The Mayor and town Constable shall be entitled to such fees as are allowed Justices of the Peace, and Constables in the county, and such other fees as may be allowed by the Council.

Sec. 10. The town Treasurer, Constable and Assessor and Collector, and any other offices of trust that may be created, shall severally give bond to the Mayor and Council in such sums as the Mayor and Council shall deem necessary.

Sec. 11. That nothing contained in this act shall be deemed to confer any power or authority inconsistent with the Gen-

eral Laws of this State, now in force or that may hereafter be enacted. And that this act shall take effect and be in force from and after its passage.

Passed, August 23rd, 1856.

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CHAPTER CLXXXIV.

An Act to incorporate the Galveston Gas Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Alfred F. James and Ephraim McLean, their associates and successors be, and are hereby constituted and declared to be a body politic and corporate, under the name and style of the Galveston Gas Company, with capacity to make contracts, to have succession and a common seal, to make by-laws for its government, and in its corporate name to sue and be sued, to grant and receive, and generally to do and perform such acts and things as may be necessary and proper for or incident to the fulfillment of its objects, or maintenance of its rights, under this act, and consistent with the provisions of the State Constitution.

Sec. 2. That the said company be, and is hereby established with the right of erecting, owning and maintaining works for generating gas, on the Island of Galveston, and laying down in the streets, lanes and alleys, and other public grounds within the city of Galveston, and the suburbs thereof, pipes for the conveyance of Gas in and through said city and its suburbs.

Sec. 3. That the capitol stock of said company shall be divided into shares of fifty dollars each, and the holders of such shares shall constitute said company, and each member shall be entitled to one vote, in person or by proxy, for each and every share he may own, and such shares of stock shall be transferable alone upon the books of the company.

Sec. 4. That the affairs and business of said company shall be conducted and managed by a Board of Directors, not less than three, nor more than five, who shall be elected by the company at such time as the stock-holders may appoint, and annually thereafter; provided, that in case of failure to elect at the stated time, the Board of Directors incumbent shall continue in office until there be an election. The time for

which may be fixed by said board, whereof reasonable notice shall be given.

Sec. 5. That no person shall be eligible as a Director, unless he be the owner of ten shares of the capital stock. The said Board shall elect a President from their number, fill vacancies and appoint such officers as they may deem necessary, and require securities for the faithful performance of their duties. Also prescribe the time for the payment of instalments or assessments upon the stock and the amount of such instalments or assessments, to declare the forfeiture of such stock for non-payment, and to do or cause to be done, all other lawful acts or things which they may deem necessary or proper in conducting the business of said company. A majority of said Board of Directors shall constitute a quorum for doing business. All instruments in writing executed by the President and Secretary under the seal of the company, with the consent of the board of Directors, shall be valid and binding.

Sec. 6. That the board shall have power to elect an agent who shall be a member of said company, and whose name as such shall be made known to the public, and by whom the business of the corporation may be conducted under the powers given him.

Sec. 7. That this act shall take effect from its passage.

Passed, August 23d, 1856.

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## CHAPTER CLXXXV.

An Act to incorporate the Yegua Turnpike and Bridge company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Thomas J. Heard, R. J. French, John Echols, William F. Grant and Nathan A. Champet and their associates, be, and they are hereby constitute a body corporate and politic, under the name and style of the Yegua Turnpike and Bridge company, capable of suing and being sued, pleading and being impleaded, and of holding and transferring the property and privileges hereby granted to them for the purpose of constructing, maintaining and keeping in repairs a macademized road through the bottom of the Yegua creek, and erecting a bridge over said creek at whatever point said company may select, below the town of Independence.

Sec. 2. That the capital stock of said company shall be ten thousand dollars, which the said company may increase to twenty thousand dollars if it shall be necessary for the construction of said road and bridge, and said capital stock shall be divided into shares of fifty dollars each.

Sec. 3. That said company may acquire the right of way for said road and bridge, and the right to use in the construction of the same, all earth, stone and other materials necessary therefor, within one-half mile of said road, by grant or by paying owners therefor such compensation as may be assessed by a jury of six men, under the direction of the Chief Justice of the county where the same may be.

Sec. 4. That said company shall construct said road nine feet wide with a turn out of eighteen feet wide, where wagons can pass on each side of said Yegua creek, raise the same above overflow, from head water, and cover the same with broken stone, at least six inches deep through said Yegua bottom, and construct a bridge over said creek, nine feet wide within three years from the passage of this act, or the privileges herein granted shall cease and this act be null and void.

Sec. 5. That said company shall have the right to charge for passing over said road and bridge, a toll not exceeding the rates established for the time being by the county court of Washington county for ferriage across the Brazos river, at the town of Washington, and that the privileges herein granted shall continue for thirty years.

Sec. 6. That said company may make such by-laws, rules, and regulations as they may see proper for the government of said corporation, not inconsistent with this act or any law of the land.

Sec. 7. That this act take effect from and after its passage.

Passed, August 23d, 1856.

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## CHAPTER CLXXXVI.

An Act to donate lands to certain persons therein mentioned, for the improvement of the channel between Corpus Christi and Aransas Pass.

Section 1. Be it enacted by the Legislature of the State of Texas, That there is hereby donated to Dean. S. Howard, Somers Kinney, Daniel E. Watrous and John C. Riddle, six-



teen sections of land of six hundred and forty acres each, for each mile of ship channel to be made by the said persons through the mud flats between Aransas Pass and the town of Corpus Christi, provided; that this donation shall not extend to more than seven miles.

Sec. 2. That the above donation upon the conditions that said ship channel between Aransas Pass and Corpus Christi, shall be made by the said persons, at least eight feet deep at ordinary tides through its whole extension between the said points and shall be made at least one hundred feet broad, and when the said channel has thus been improved and has been kept open to the said depth and breadth for the term of six months, there shall be issued to the said persons, certificates for one-half of the land herein donated, and when the said channel shall have been by the said persons in the same manner kept open for the additional term of twelve months, then certificates for the remainder of said land shall be issued to them, but no certificate shall be issued until the said channel shall have been examined at the times above mentioned by the State Engineer and Superintendent of public works, and certified by him to comply with the requirements of this act, and he shall also certify the length of said channel by the said persons opened.

Sec. 3. That in making and keeping open said channel the said persons shall have the right to deposite the excavated matter on either side of said channel to the distance of three hundred yards, and they shall have the right of way over, and use of, during that time, of a strip three hundred yards wide on each side of said channel.

Sec. 4. That the certificates herein required to be made by the State Engineer and Superintendent of public works, shall be made to the Governor of the State, and the Governor, if satisfied that the conditions required of said persons have been fulfilled, shall instruct the Commissioner of the General Land Office to that effect, and thereupon said Commissioner shall issue certificates to the said persons for the number of sections of land granted them by this act. The certificates granted under the provisions of this act shall be located, mapped and returned, as provided in an act entitled an act to encourage the construction of Railroads in Texas, by donations of land, approved January 30th, 1854, provided that said certificates shall not be located upon any previously titled lands. And that this act take effect and be in force from and after its passage.

Approved, August 22d, 1856.

## CHAPTER CLXXXVII.

## An Act to Incorporate the University of St. Mary in the City of Galveston.

Section 1. Be it enacted by the Legislature of the State of Texas, That Julien M. Bandre, Joseph Verdet, Etienne Vignolle, Peter T. Parisot, Rigomer Olivier, Stephen Keralum, John M. Gay, Francis A. DeLustrac, and such other persons as they may associate with them, and their successors, be, and they are hereby constituted, declared to be, and incorporated into a body corporate and politic, to be located in the City of Galveston, State of Texas, by the name and style of the "Trustees of the University of St. Mary" and by that name, they and their successors, shall and may have perpetual succession, and shall be capable in law of contracting and being contracted with, and of suing and being sued, in all courts and places whatsoever: and they shall have power to make and adopt a common seal, and the same to alter or change at their pleasure, to make and adopt all by-laws, ordinances, rules and regulations which may be necessary for the organization and government of said institution. The same not being repugnant to the laws of this State or of the United States, and also shall have power to acquire and receive by gift or grant, by way of donation or purchase, or other lawful ways or means, and of holding such property, real and personal, as may be necessary to the exercise and full enjoyment of the powers, capacities, rights and privileges which the said corporation is by this act vested with, and the said property to pledge, mortgage, alien, dispose of and convey to others.

Sec. 2. That the objects and purposes of said corporation are hereby declared to be, the instruction and education of male youths, in all those branches of Literature, science and the arts which are now, or may hereafter be taught in the higher classes of Seminaries in the United States of America, and the said corporation are hereby invested with lawful right, power and authority to confer academical degrees, as generally conferred in other universities in the United States, upon graduates of said institution, and likewise honorary degrees upon worthy and distinguished persons, not graduates, and in either case to issue diplomas therefor, according to the by-laws of said corporation which may be, hereafter made, and adopted.

Sec. 3. That said corporation shall have power in and by their by-laws or ordinances to designate the number of trustees, by whom the affairs and business thereof, shall be controlled and managed, the mode of selection thereof, the tenure and term of their office, and the mode and manner of filling vacancies in the board, and the said trustees so elected and appointed shall have the power and authority to appoint a President or Rector, Secretary, Treasurer, and other officers of said corporation, and also such professors, teachers and other officers and servants as they may consider requisite and necessary for the regulation of their affairs, and carrying out the purposes of this act, under such rules as shall be provided for by by-laws or ordinances.

Sec. 4. That a majority of the corporators shall be necessary to make the by-laws and ordinances and other rules and regulations first adopted and shall specify and declare the number of members of the said board of trustees to be appointed which shall thereafter form a quorum for the future management, control and regulation of said institution, and the exercise of the powers by this act conferred.

Sec. 5. That this act shall take effect from and after its passage.  
Passed, August 23d, 1856.

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## CHAPTER CLXXXVIII.

An act for the relief of George W. Grover, and other persons therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to the following persons, head right certificates for Land as follows:

To Wm. H. Harrison of Galveston county a certificate for one-third of a league of land.

To George W. Grover of Galveston county a certificate for three hundred and twenty acres of land.

To Valentine T. Dalton, of Galveston county, a certificate for six hundred and forty acres of land.

To Jas. P. Nash, of Galveston county an augmentation certificate for three hundred and twenty acres of land.

To John P. Davie of Galveston county, a certificate for three hundred and twenty acres of land.

To Francis McCafferty of Galveston county, a certificate for three hundred and twenty acres of land.

To William Bartlett of Galveston county, a certificate for one-third of a League of land.

Provided it shall appear to said Commissioner that said parties respectively have not received certificates or titles for the lands herein provided for. And that this act take effect and be in force from and after its passage.

Approved August 22, 1856.

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## CHAPTER CLXXXIX.

An act for the relief of the Heirs of Antonio Fuentes, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be and he is hereby required to issue to the heirs of Antonio Fuentes, deceased, one Bounty certificate for nineteen hundred and twenty acres of land which said certificate may and shall be located, surveyed and patented according to law.

Sec. 2. That this act take effect from and after its passage.

Approved, August 22d, 1856.

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## CHAPTER CXC.

An Act for the relief of John B. Johnson.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorised and required to issue to John B. Johnson, a certificate for six hundred and forty acres of land, being the quantity to which the said Johnson is entitled as a soldier of the Texas army at the time of the Battle of San Jacinto, which may be located, surveyed and patented in the same manner as other donation certificates.

Sec. 2. That this act take effect from and after its passage.

Approved, August 22d, 1856.

## CHAPTER CXCI.

## An Act for the relief of Henry Berry.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county Court of Rusk county shall be and is hereby authorised, if they think proper, to release Henry Berry from the payment of that portion of a certain Judgment in favor of the State against said Berry and others which the said Berry is required to pay to said county under a proclamation of the Governor remitting a part of said judgment; provided, that this release of the fine shall not apply to any of the cost of the suit.

Sec. 2. That this act shall take effect from and after its passage.  
Approved, August 23d, 1856.

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CHAPTER CXCLII.

An Act to amend the 17th section of an act to incorporate the Memphis, El Paso and Pacific Railroad Company, approved 5th of February, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the seventeenth section of an act to incorporate the Memphis, El Paso, and Pacific Railroad, approved fifth of February, 1856, be amended so as to read as follows: that before making application for said certificates, it shall be the duty of the Chief Engineer of said road, together with the President and Secretary of the same, to make out a correct statement of the number of miles so graded in a complete manner, (such statement being sworn to and subscribed by said Engineer, President and Secretary,) and return the same to the Governor of the State, and if upon examination, the Governor is satisfied with the correctness of the statement, he shall direct the Commissioner of the General Land Office to issue to the said company the number of certificates to which it may be entitled by the previous section of this act; provided, no title shall be permanently vested in said company or their assignees, to the land granted for the grading, as contemplated in this act, until twenty-five miles of said road have been com-

pleted and put in running order, and provided that no loan shall be made upon said road on any part constructed west of the Trinity river.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed, August 25th, 1856.

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CHAPTER CXCHII.

An Act to incorporate Caldwell Lodge No. 48 of the Independent Order of Odd Fellows.

Section 1. Be it enacted by the Legislature of the State of Texas, That the officers and members of Caldwell Lodge, No. 48, of the Independent Order of Odd Fellows, situated in the town of Lockhart, in Caldwell county, Texas, and their successors be, and they are hereby declared to be a body corporate and politic, by the name and style of Caldwell Lodge No. 48, Independent Order of Odd Fellows, and by that name they and their successors shall and may at all times hereafter be capable in law to have, receive and retain any estate, real and personal, by gift, purchase, devise or bequest, or such estate at their pleasure, to transfer and dispose of in such manner as they may think proper; provided, that said corporation shall not at any time hold or possess real estate, exceeding in value the sum of twenty-five thousand dollars.

Sec. 2. The incorporation by the name and style aforesaid, shall be capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all suits in this State, and before all or any Judge, officers and persons whatsoever, in all and singular actions, matters and things whatsoever.

Sec. 3. The said corporation may have a common seal for their use, and the same at their will and pleasure to alter and make anew from time to time, as they may think best, and in general have and exercise such rights, privileges and immunities, as by law are incident to, and necessary for corporations of a similar character. And that this act shall take effect from its passage.

Passed, August 25th, 1856.

## CHAPTER CXCIV.

## An Act to Incorporate the town of Fairfield.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Fairfield be, and they are hereby declared a body corporate, by the name and style of "the town of Fairfield," and by that name may sue and be sued, plead and be impleaded, and may hold and dispose of real and personal estate in said town.

Sec. 2. Be it further enacted, That the limits of said corporation shall include two miles square, to be so laid off that the court-house in said town shall be in the centre of said corporation.

Sec. 3. That an election shall be held in said town on the first Monday in October in each and every year, for a Mayor, a Constable, a Treasurer and four Aldermen; the first election to be ordered by the Chief Justice of Freestone county, and every subsequent election to be ordered of said town by the Mayor, or a majority of the Aldermen acting at the time of such election, and the persons elected shall continue in office one year, and until their successors are duly qualified.

Sec. 4. That whenever a vacancy shall occur in the office of Mayor, a majority of the Aldermen acting shall order an election to fill such vacancies, and the person so elected shall hold the office until the next regular election, or until his successor shall be duly qualified.

Sec. 5. That no person shall be eligible to the office of Mayor or Alderman, unless a citizen of said town for six months, next preceding his election, and no person shall be eligible to the office of Constable or Treasurer, unless such person be a citizen of the same.

Sec. 6. That the Mayor shall be President of the Board of Aldermen, that three of the members of said Board, including the Mayor, shall constitute a quorum to transact business, and that said Board may enact such by-laws for the government of said town, not inconsistent with the constitution and laws of this State, as may be deemed proper, and may inflict fines for disobedience of the same, not under one dollar nor more than twenty dollars.

Sec. 7. That the Board of Aldermen shall have and exercise control over the public square and streets in said town and may compel all free male citizens, Ministers of the Gospel

excepted, over the age of twenty-one and under forty-five years, to work on the same; provided, that such persons shall not be required to work more than ten days in any one year, and they shall be exempt from other road duty in said county, and the board may impose such fines on defaulters as they may deem necessary, in which the board shall be governed by the law of the State regulating roads.

Sec. 8. That the Board of Aldermen shall have power to levy a tax on all persons and property, both real and personal, in said town, subject to taxation by the laws of this State; provided, that the tax on property shall not in any one year exceed one-tenth of one per cent ad valorem, on such property, and no tax shall be levied unless by two-thirds of the members present, which shall be assessed and collected by the Constable in the same manner as the State tax is collected, and the Board also shall have power to levy and collect a tax on any race tract, billiard table, pin alley, shows, concert or circus, which may be in said town.

Sec. 9. That the Board of Aldermen shall have power to appoint such additional officers, with the regulation of their duties and compensation, as may be necessary, and may require of them, bond and security to the Mayor, in such penalty as may be deemed requisite to compel the efficient discharge of such duties as may be assigned them.

Sec. 10. That all offences against the by-laws be prosecuted before the Mayor, and governed by the law organizing Justices courts, and the Constable shall execute and return all writs issued by the Mayor in the same manner as is provided by law defining the duties of Constables.

Sec. 11. That in case of the death, resignation or removal of any Alderman, Treasurer or Constable, the Mayor shall order an election under such rules and regulations as may be prescribed by the Board to fill such vacancy.

Sec. 12. That the Constable shall give bond and security as required of other Constables, shall have the same power and entitled to the same fees for similar services.

Sec. 13. That the Mayor of said town shall be entitled to such fees as may be allowed Justices of the Peace for similar services, together with such other compensation as may be allowed by two-thirds of the Aldermen present at the time of such allowance.

Sec. 14. That the Aldermen shall be entitled to such compensation as may be allowed them by the Board; provided,



in no case shall the same exceed two dollars per day, for each day they may be required to sit as such Aldermen.

Sec. 15. That the Treasurer shall keep safely all the money of said corporation, shall pay out the same upon the order of the Board, and shall do such other duties as may be assigned by the by-laws. He shall give bond with security, payable to the Mayor and his successors in office, in such sum as may be deemed proper, conditioned for the faithful performance of his duties, to be approved by the Board, and shall be allowed such compensation as may be allowed from time to time to County Treasurers.

Sec. 16. That the Mayor be, and he is hereby invested with all the powers and jurisdiction of a Justice of the Peace, within the limits of said town.

Sec. 17. That the books and records of the incorporation shall at all reasonable times be opened to the examination of any citizen of said town, or property holder therein desiring the same.

Sec. 18. That the bonds of the Constable and Treasurer shall be recorded in the office of the Clerk of the County Court of Freestone county.

Sec. 19. That this act be in force and take effect from and after its passage.

Passed, August 25th, 1856.

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## CHAPTER CXCV.

### An Act to incorporate the town of Paris.

Section 1. Be it enacted by the Legislature of the State of Texas, That the inhabitants of the town of Paris, in Lamar county, are hereby declared a body politic and corporate, by the name and style of "the town of Paris," and by that name may sue and be sued, plead and be impleaded, and may hold, sell and dispose of real and personal estate.

Sec. 2. That the bounds and limits of said town, and within which the said corporation shall exercise lawful jurisdiction, shall include and comprehend one mile square, the Court House of Lamar county being the centre.

Sec. 3. That the Town Council of said town shall consist of a Mayor elected for said town, and four Aldermen to be

elected by the qualified electors, either owning real estate in the town or residing within the corporation jurisdiction, at the regular election in August, and hold their offices for two years.

Sec. 4. That there shall be elected by the qualified electors, at the same time of the election of the Town Council, a Treasurer and a Constable, who shall be ex-officio collector of corporation taxes, who shall be required to give good and sufficient security to be approved by the Mayor, for the faithful discharge of their duties, the amount to be determined by the Council, and if forfeited to be paid into the Town Treasurer.

Sec. 5. That the members of the Council, and Treasurer and Collector shall hold their offices until their successors are qualified.

Sec. 6. That all officers of the corporation shall take and subscribe the following oath, before entering upon the discharge of their duties: I do solemnly swear that I will faithfully and impartially discharge the duties of the office to which I have been elected, (or appointed) to the best of my skill and ability—so help me God.

Sec. 7. That the Chief Justice of Lamar county shall order an election for officers of said town, at any time after the passage of this act, giving twenty days' notice of the same, by advertisement at the Court House, and said election shall be held at the Court House in said town, and said Chief Justice shall hold said election, and within three days after said election shall compare the votes and give certificates of election to those entitled; provided, that hereafter regular elections for officers of said town shall be held on the first Monday in August, 1858, and biennially thereafter.

Sec. 8. That if, from any cause, an election shall fail to be held for the aforesaid corporate officers, at the time herein prescribed, it shall be the duty of the Chief Justice of the county of Lamar, upon the application of any three citizens, to order a special election, and the officers elected at such special election shall hold their offices until the next regular election in August, and until their successors are qualified.

Sec. 9. That no person shall be a member of said Council who has not resided within the boundaries of said corporation at least six months previous to an election, nor shall any person vote for any of said corporate officers, unless such voter has had a like residence and paid his corporation taxes.

Sec. 10. That the Mayor shall be President of the Coun-

cil, and that the Mayor and three Aldermen shall constitute a quorum to do business.

Sec. 11. That the Council shall have power to enact and enforce such ordinances and regulations as they may deem necessary for the government and general improvement of said town; provided, the same shall not conflict with the Constitution and laws of this State. They shall also form by-laws to regulate their own proceedings, and shall have full power and authority to enforce proper police regulations; regulate the paving and cleaning of the streets, removing nuisances, establishing the squares and side-walks of the town, and for these and similar purposes; may appoint such officers as they may deem necessary, and prescribe their compensation, and to move them from office, at the pleasure of the Council.

Sec. 12. That said Council shall have power to levy equitable and moderate taxes, upon all fixed and moveable property within their jurisdiction. Provided, said tax shall not exceed one-half of the county tax. The Council shall have power to grant license to keepers of billiard tables, and places of public amusements; provided, that no gambling establishment, nor any other contrary to law, shall be protected by such license, nor shall any license tax be imposed upon any mechanical or agricultural employment.

Sec. 13. That in the assessment of taxes, the Assessor shall make out an assessment list of all the property in the town, upon which a tax has been imposed, by or before the 1st day of June in each year, and if the owners thereof are residents of the said town, he shall call upon them for the amount of taxes due thereon, on or before the 1st day of September. But if any property of a non-resident be taxed, or of a resident who is absent at the time of collecting the same, the Assessor, if such tax is not paid by the 1st day of September of each year, shall post up immediately thereafter, on the Court House door, a list of such non-residents or absentees, with the character and description of the property taxed, the amount due thereon, and if the same is not paid by the 1st day of November, the property so taxed shall, on that day, become forfeited for non-payment of taxes; and shall, on ten days' notice by advertisement on the Court House door by the Assessor, be sold to the highest bidder, unless the owner shall before the day of sale come forward and pay the taxes thereon, and the further sum of one dollar, which shall constitute a prerequisite of the Assessor's office.

Sec. 14. That the manner of assessing the property taxed, shall be by the owner thereof taking an oath before the Assessor, to the value of the list, and if it be a list of the property of an absentee or non-resident, the Assessor shall point out the same to two disinterested corporators, who shall under oath value the same.

Sec. 15. The Mayor shall have power to inflict fines in accordance with by-laws adopted by the Council, for the violation of any town ordinance, and power to commit to jail until the fines and costs are paid.

Sec. 16. That all persons living within the limits of said corporation shall be exempt from working on roads except within said corporate limits.

Sec. 17. That Turner B. Edmondson, as Mayor, Robert Mebane, John D. Thomas, William Ritchier, William H. Millrose, and Francis Miles, as Aldermen, Goodman Tucker, as Treasurer, and Thomas B. Hearn, as town Constable, be authorized to organize and to adopt by-laws, and fully to govern the town until the next August election, when it shall be the duty of the Chief Justice of Lamar county to order, with the other elections, an election for the Justice of the Peace for said precinct.

Passed, August 25th, 1856.

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## CHAPTER CXCVI.

An Act to establish a Causeway across the Neches river swamp, in Orange county.

Section 1. Be it enacted by the Legislature of the State of Texas. That A. J. Livis and Nancy Hutchison, are hereby authorized to make and construct a causeway or ground bridge to be at least twelve feet in width, extending from the east bank of the Neches river, in Orange county, where the public highway crosses said river, at Beaumont, near the residence of Nancy Hutchinson, and across the Neches swamp, following said highway to the firm ground.

Sec. 2. That said constructors have the privilege of collecting tolls on said causeway for twenty-five years, to be renewed at the will of the Legislature.

Sec. 3. That the constructors shall cause the said causeway to be made fit for all travelers, wagons, carriages, carts.

horses and cattle, and shall have the right to collect tolls for horse and rider, five cents, carts, horses, and cattle, per head, 2  $\frac{1}{2}$  cents each, wagons and carriages, ten cents per wheel, which may be increased by the County Court of Orange county, annually, not exceeding double the rate herein fixed.

Sec. 4. That said constructors shall not be entitled to toll without having first received the certificate of the County Court of Orange county, that said causeway is fit for the purposes intended by this act.

Sec. 5. That no toll shall be collected or allowed during any period of time that said causeway shall be out of repair. And that this act take effect from and after its passage.

Passed, August 25th, 1856.

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## CHAPTER CXCVII.

### An Act for the relief of the heirs of William H. Clopton.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be, and he is hereby authorized and required, to issue to the heirs or legal representatives of William H. Clopton, a patent for one hundred and sixty acres of land, upon the presentation of the field-notes for the same properly certified by H. L. Upshur, District Surveyor of Travis Land District, and proper proof made before the Chief Justice of Comal county, that said Clopton settled upon the land as a pre-emptor, that he had made permanent improvements thereon, resided upon it until he entered the company of Capt. James H. Callahan, and that it was his only permanent residence at the time of his death.

Sec. 2. That the parties applying for the patent provided for in this act, shall be required to pay any and all monies due the State upon the same, under the law regulating pre-emption claims at that time. And that this act be in force from its passage.

Passed, August 25th, 1856.

CHAPTER CXCVIII.

An Act for the relief of the heirs of Mathias Wilbarger, Deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the heirs of Mathias Wilbarger have the right to locate land certificate for six hundred and forty acres, No. 55, issued by the Commissioner of the General Land Office, on the 23d day of September, A. D. 1853, to the Buffalo Bayou, Brazos and Colorado Railway Company, at any time within one year from the passage of this act, any law to the contrary notwithstanding. And that this act take effect and be in force from and after its passage.

Passed, August 25th, 1856.

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CHAPTER CXCIX.

An Act for the relief of Louisa Netherly.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Louisa Netherly a certificate for one league and labor of land, to be located and patented as other first class claims.

Sec. 2. That this act take effect from and after its passage.

Passed, August 25th, 1856.

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CHAPTEC CC.

An Act for the relief of the heirs of Ebenezer Pulsifer.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby authorized and required to issue a certificate for one-third of a league of land, to the heirs of Ebenezer Pulsifer, dec'd., as the head-right claim of said Pulsifer, dec'd. And that this act take effect from its passage.

Passed, August 25th, 1856.

## CHAPTER CCI.

## An Act for the relief of Williard Richardson.

Section 1. Be it enacted by the Legislature of the State of Texas, That the proper accounting officer of the Treasury be, and he is hereby authorized and required to allow and admit the claim of Williard Richardson, for nine hundred and thirty-three dollars, the same being in full payment for the survey made by said Richardson of the county of Refugio, in the year 1840 and 1841, and the Treasurer be, and he is hereby required to pay the same out of any money in the Treasury of the State of Texas, not otherwise appropriated.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved, August 25th, 1856.

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## CHAPTER CCII.

## An Act for the relief of William Herrin.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and is hereby required to issue to William Herrin a certificate for twelve hundred and eighty acres of land, which may be located, surveyed and patented as other second class headrights. And that this act take effect from its passage.

Passed, August 25th, 1856.

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## CHAPTER CCIII.

## An Act for the relief of the heirs of Robert Callier.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to the heirs of Robert Callier a certificate for one league and labor of land, to be located and surveyed on any part of the unappropriated public domain.

Sec. 2. That when said certificate is located and surveyed, the Commissioner of the General Land Office be, and he is hereby required to issue a patent thereon. And that this act take effect from and after its passage.

Passed, August 25th, 1856.

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CHAPTER CCIV.

An Act for the relief of Thomas Peck.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to Thomas Peck, a bounty land warrant certificate for six hundred and forty acres of land to be located, surveyed and patented according to law. And that this act take effect and be in force from and after its passage.

Passed, August 25th, 1856.

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CHAPTER CCV.

An Act for the relief of the heirs of Jonathan Clark.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to the heirs of Jonathan Clark, a certificate for two-thirds of a league and labor of land, to be located surveyed and patented according to law. And that this act take effect and be in force from and after its passage.

Passed, August 25th, 1856.

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CHAPTER CCVI.

An Act for the relief of the heirs and legal representatives of Archibald Fitzgerald.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of three thousand, nine hundred and thirty-four dollars and seventy cents be and the same is here-



by acknowledged to be due from the late Republic of Texas to the heirs and legal representatives of Archibald Fitzgerald for sundry Merchandize furnished the Santa Fe Expedition in the year 1841, as evidenced by certificate No. 381, 3d class, issued in Austin by the Comptroller and Auditor of said State on the 3d day of July A. D. 1851.

Sec. 2. That the Auditor and Comptroller be and they are hereby authorized and required to issue to the heirs and legal representatives of Archibald Fitzgerald a certificate of indebtedness against the said Republic of Texas, for the amount expressed in the first section of this act upon there being filed a release of all demand for or on account of said certificate No. 381, 3d class.

Sec. 3. That this act take effect and be in force from and after its passage.

Passed, August 25th, 1856.

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## CHAPTER CCVII.

### An Act for the relief of the heirs of George W. Jewell.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Auditor and Comptroller be and they are hereby authorised and required to audit the claim of the heirs of George W. Jewell, deceased, for the sum of three hundred and eighty dollars and ten cents, being the balance due said Jewell for services rendered the late Republic of Texas, and that the same be paid in the same manner as other second class debt.

Sec. 2. That the Commissioner of the General Land office issue to the heirs of the said George W. Jewell a land certificate for three hundred and twenty acres of land, to be located and patented as other second class certificates. And that this act be in force and take effect from its passage.

Passed, August 25th, 1856.

CHAPTER CCVIII.

An Act for the relief of Edwin Harvey.

Section 1. Be it enacted by the Legislature of the State of Texas, That the unconditional certificate for six hundred and forty acres of land No. 6, second class, issued by the Board of Land Commissioners of Brazoria county, dated the sixth day of July 1841, be declared as valid and carry with it all the rights in law in as full a manner as if it had been reported by the clerk of Brazoria county.

Sec. 2. That this act take effect from its passage.

Approved, August 25th, 1856.

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CHAPTER CCIX.

An Act for the relief of Ezekiel Vickers.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby authorized and required to issue to Ezekiel Vickers, a certificate for one-third of a league of land, to be located, surveyed and patented as other headright certificates; provided, the said Ezekiel Vickers shall file or cause to be filed in the land office a certificate for one third of a league of land No. 484 issued to Ezekiel Vickers by the board of land Commissioners for the county of Sabine on the fifteenth day of March 1838. And that this act take effect and be in force from and after its passage.

Passed, August 25th, 1856.

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CHAPTER CCX.

An Act to authorize a patent to issue upon the headright certificate of Alfred Atkinson.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office of the State of Texas be and he is hereby authorized and required to issue a patent for the land surveyed by the headright of

Alfred Atkinson to the person or persons lawfully entitled thereto, said survey having been made by James S. Hanks, Deputy surveyor of Anderson county, and situated in the northern part of said county of Anderson; Provided, that the Commissioner shall be satisfied that the said certificate is genuine and legal, and provided the usual fees are paid.

Sec. 2. That this act take effect from and after its passage.  
Passed, August 25th, 1856.

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## CHAPTER CCXI.

An Act for the relief of the heirs of F. J. Bellows, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to the heirs or legal representatives of F. J. Bellows, deceased, the following land certificates, viz: a headright certificate for fourteen hundred and seventy-six acres; a bounty land certificate for nineteen hundred and twenty acres; and a donation certificate for six hundred and forty acres of land.

Sec. 2. That said certificates be located, surveyed and patented according to law. And that this act take effect and be in force from and after its passage.

Approved, August 25th, 1856.

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## CHAPTER CCXII.

An Act for the relief of Rees D. Price.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized to issue to Rees D. Price a certificate for two-thirds of a league and one labor of land as an augmentation headright, which may be located, surveyed and patented as other first class certificates. And that this act take effect from and after its passage.

Passed, August 25th, 1856.

CHAPTER CCXIII.

An Act to be entitled An Act for the relief of the heirs of Robert F. Millard, and the widow and heirs of Samuel P. Carson.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized to issue to the heirs of Robert F. Millard, deceased, a certificate for one league of land, and that the title to said certificate shall vest as follows in said heirs: One-half thereof shall be the property of the child or children by his wife at the date of 2d March, A. D. 1836, and the other half shall be the property of his children by his last wife Mrs. Massey C. Millard.

Sec. 2. That the heirs of said Robert F. Millard shall have the right to locate said certificate upon any lands in the State of Texas liable to entry. This certificate being in lieu of a title issued by George Antonio Nixon commissioner of David G. Burnett's colony on the 20th November, A. D. 1835, to said Robert F. Millard for one league of land which said title is upon the issuance of said certificate declared to be canceled.

Sec. 3. That said Commissioner be, and he is hereby authorized to issue to the widow and forced heirs of the late Samuel P. Carson, deceased, a certificate for one league and labor, of land, the same being the amount of land to which the said Samuel P. Carson was entitled by being a resident of the Republic of Texas on the 2d day of March, A. D. 1856, and the head of a family, and a participant in the struggle for independence of said Republic.

Sec. 4. That this act take effect from and after its passage.

Approved, August 25th, 1856.

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CHAPTER CCXIV.

An Act for the relief of John Martin.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue a patent to John Martin on a survey of three hundred and twenty

acres of land situated in Cherokee county, made by virtue of affidavit No. 39, made on the 29th day of April 1848, said survey made by Absolum Gibson, on condition that said John Martin pay into the general land office twenty-one dollars.

Sec. 2. That this act take effect from and after its passage.

Approved, August 26th, 1856.

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#### CHAPTER CCXV.

##### An Act for the relief of Robert S. Patton.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized to issue to Robert S. Patton a certificate for one league of land.

Sec. 2. That said certificate when issued may be located on any vacant public land of the State of Texas, and after it shall have been properly located, surveyed and returned. The Commissioner of the General Land Office is authorized to patent the same as in other cases. And that this act take effect from and after its passage.

Passed, August 25th, 1856.

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#### CHAPTER CCXVI.

##### An Act for the relief of John P. Shelbourne.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to John P. Shelbourne, a 2d class head-right certificate for 640 acres of land, which may be located and patented in the same manner as other head-right certificates.

Sec. 2. That this act take effect, and be in force, from and after its passage.

Approved, August 25th, 1856.

CHAPTER CCXVII.

An Act for the relief of Giles S. Boggess.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of the State be, and he is hereby authorized and required to settle with Paymaster Giles S. Boggess upon his presenting to said Comptroller a copy of the muster roll of J. G. Walker's company, made out by him, the said Boggess, upon the best data he can get, and certified to by him, before some person authorized by law to administer oaths, to be just and correct, according to the best of his knowledge and belief, and that the original muster roll was either stolen from, taken from or lost by him, said copy of muster roll, when so made out and certified to, shall be received in lieu of the original roll, the amount or amounts returned by said Boggess as paid shall be passed to his credit, upon the books of the Comptroller's office.

Sec. 2. That should said Boggess report as paid, any person who was a member of said J. G. Walker's company, who has not been paid, it shall be incumbent upon the person wishing to contest the matter, to make affidavit before some person authorized to administer oaths, that he has not been paid, and upon the filing of said affidavit in the Comptroller's office, it shall be the duty of the Comptroller to notify said Boggess, and allow him sixty days time to make the proof of payment, and should the said Boggess fail to satisfy the Comptroller that said person has been paid, it shall be the duty of the Comptroller to draw his warrant upon the Treasurer, in favor of such individual, which warrant shall be paid by the Treasurer out of the appropriation for the payment of said company, and for each amount so paid, the said Boggess shall be held responsible to the State, upon his bond as Paymaster.

Sec. 3. That any member or members of said Company, who according to the return made by said Boggess, stands as unpaid, upon the certified copy of the muster-roll of said company, shall be entitled to his or their pay, by application at the office of the Comptroller and Treasurer, upon filing an affidavit that he or they have not been paid and that the amount due them for services rendered in said J. G. Walker's company is still due and owing.

Sec. 4. That this act take effect from its passage.

Approved, August 25th, 1856.

## CHAPTER CCXVIII.

## An Act for the relief of Edgar Pollett.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner General of the Land Office of the State of Texas, be, and he is hereby authorized to issue a patent to Edgar Pollett or his legal assignees, for one-third of a league of land, the certificate for which was issued to the said Edgar Pollett, by virtue of a judgment of the District Court of Nacogdoches county, in the Republic of Texas, on the sixteenth day of March, A. D. one thousand eight hundred and thirty-eight.

Sec. 2. That this act take effect from and after its passage.

Passed, August 25th, 1856.

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CHAPTER CCXIX.

## An Act to incorporate the Houston Lyceum.

Section 1. Be it enacted by the Legislature of the State of Texas, That Benjamin F. Turner, Andrew J. Hay, Samuel C. West, John Jonhstone, Joseph B. Dart and Thomas Burke and their associates and successors in office be, and they are hereby constituted a body politic and corporate, under the name and style of the "Houston Lyceum," with the capacity to make contracts, to have succession, and a common seal, to make such by-laws, rules and regulations as it may deem proper for its government, and in its said corporate name, to sue and be sued, plead and be impleaded, and to receive and hold lands and other property, not exceeding twenty-five thousand dollars in value, for the use and benefit of said Houston Lyceum.

Sec. 2. That the officers and their successors shall be elected in such manner and at such times as may be determined by the Constitution, and by-laws of said Houston Lyceum, and all vacancies may be filled in the same manner. And should said body at any time be dissolved, by death, resignation or otherwise, it shall be lawful for any number of the citizens of Houston, not less than seven, by associating themselves together as members of said Lyceum, to appoint or

elect new officers, with all the rights, powers and privileges, hereby conferred upon the said first parties.

Sec. 3. That this act take effect, and be in force, from and after its passage.

Passed, August 26th, 1856.

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## CHAPTER CCXX.

An Act to authorize Albert G. Hunt to construct a road and bridge across the Yegua at or near Blake's crossing on said creek.

Section 1. Be it enacted by the Legislature of the State of Texas, That Albert G. Hunt be, and he is hereby authorized to build, maintain and keep in repair a turnpike road through the bottom of the Yegua creek, and erecting a bridge over said creek, at or near Blake's crossing on said creek.

Sec. 2. That said Hunt may acquire the right of way for said road and bridge and the right to use in the construction of the same, all earth, stone and other material necessary therefor, within one-half mile of said road, by grant or by paying the owners therefor such compensation as may be assessed by a jury of six men, under the direction of the Chief-Justice of the county where the same may be.

Sec. 3. That said Hunt shall construct said road nine feet wide, with a turnout of eighteen feet wide, where wagons can pass on each side of said bridge, and construct a bridge over the Yegua, nine feet wide within three years from the passage of this act.

Sec. 4. That said Hunt, his heirs and assigns, shall have the right to charge for passing over said road and bridge, a toll, at rates to be established by the County Court of Washington county, not less than the rates established for the time being, for ferriage across the Brazos river, at the town of Washington, and that the privileges herein granted shall continue for thirty years.

Sec. 5. That it shall be the duty of said Hunt, his heirs and assigns, to keep said road and bridge in good order and at all times passable for wagons and teams, and no toll shall be levied or collected when said road or bridge is not in good order.

Sec. 7. That said Hunt may alien and transfer the privi-



leges granted by this act, and his assigns shall be subject to the terms and conditions conferred by this act. And that this act take effect from and after its passage.

Passed, August 26th, 1856.

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#### CHAPTER CCXXI.

##### An Act for the relief of John Sparks.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land office is hereby authorized and required to issue to John Sparks, his heirs and assigns, an unconditional certificate for twelve hundred and eighty acres of land, in lieu of unconditional certificate No. 130, class 2d, dated 21st September, 1841, for 640 acres of land issued by the board of land commissioners, for Nacogdoches county, on the surrender of the above described certificate. That said certificate may be located and patented as other certificates.

Sec. 2. That this act take effect from and after its passage.

Passed, August 26th, 1856.

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#### CHAPTER CCXXII.

##### An Act for the relief of Joseph Henson.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Joseph Henson a headright certificate for one league and labor of land, on said Henson filing with said Commissioner a mutilated certificate, No. 125, issued by the Board of Land Commissioners for the county of Montgomery, to be located, surveyed and patented as other headright certificates. And that this act take effect and be in force from and after its passage.

Approved, August 26th, 1856.

CHAPTER CCXIII.

An Act to incorporate the Trustees of Woodville College, and to establish said College.

Section 1. Be it enacted by the Legislature of the State of Texas, That an Institution of learning be, and the same is hereby established at the town of Woodville, in Tyler county, to be known and called by the name of "Woodville College."

Sec. 2. That John Work, N. A. Pendland, Milton MacQueen, N. B. Charlton, G. W. Vanvleck, William Sturruck, E. J. Carson, Thomas Rock, Hiram Wilson, David C. Enloe, Dr. S. B. Johnson, Hilliard Durdon, James Chilton, Ira P. Pedigo, Robert Neyland, P. A. Work, Harvy Force, Joel Clayton, E. A. McGray, Worthy Patridge, William C. Abbott, King Bryant, J. M. Maxcy, Dr. Jas. H. Martin, Lucius Loring, and H. C. Hicks, be and they are hereby declared Trustees of said Institution, and as such are constituted a body corporate and politic, by the name of the President and Trustees of Woodville College, and by that name they and their successors may acquire, hold and dispose of property, real, personal and mixed, not to exceed at any one time in value two hundred thousand dollars, may sue and be sued, plead and be impleaded, shall have perpetual succession and may have a common seal which they may change or alter at pleasure.

Sec. 3. That the Trustees of said College shall have at least one stated meeting each year, and shall at their first meeting elect a President, and at each subsequent meeting may supply any vacancies which may occur in their number by death, resignation or removal from the State. And that the President shall have power to call a meeting of them whenever he may deem it necessary, and that the President and six of said Trustees shall constitute a quorum to do business, and may construct or procure all necessary buildings, libraries and apparatus for said College; may frame and enact all such ordinances and by-laws as they may deem necessary for the good government of said College and of their own proceedings. Provided, the same shall not be contrary to the Constitution and laws of this State or of the United States.

Sec. 4. That said Trustees shall employ a competent number of teachers, who shall be styled Professors, and a majority of whom shall not belong to any one religious denomination.

Sec. 5. The President and the Professors, or a majority of

them, shall have power to enforce the ordinances and by-laws adopted by the Trustees of said College, for the government of the same, and to confer such degrees in the arts and sciences on any of the students of the said College, or any other person by them thought worthy, as are usually conferred in Colleges or Institutions, and to give diplomas for the same, signed by them and sealed with the seal of the Trustees of said College, to authenticate and perpetuate the memory of such graduating.

Sec. 6. That all necessary sub-officers for said College and Board of Trustees shall be elected by said Trustees at any stated or called meeting of the same.

Sec. 7. That whenever any vacancy shall occur from any cause in the Presidency, or any of the Professorships of said College, the same shall be filled by said Trustees, and that said Trustees shall have power to fix the salaries of the President and all professors, teachers, and officers of said College, and of removing any of them for misconduct or neglect of duty in office, a majority of all the Trustees concurring in such removal.

Sec. 8. That no misnomer of said College shall annul or make void any bequest or donations, gifts or grants to the same.

Sec. 9. That this act shall take effect and be in force from and after its passage.

Passed, August 26th, 1856.

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#### CHAPTER CCXXIV.

An Act for the relief of the heirs of Robert Davidson, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to the heirs of Robert Davidson a certificate for one league of land, which may be located on the vacant public domain, as other headright certificates. And that the Commissioner of the General Land Office be, and he is hereby further authorized to cancel the title for one league of land issued to said Robert Davidson by Wm. H. Steele, on the 30th day of December, 1834.

Sec. 2. That this act take effect and be in full force from and after its passage.

Passed, August 26th, 1856.

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CHAPTER CCXXV.

An Act for the relief of James Reson, John S. Hill, Henry Applewhite, and George Peerman.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to James Reson a certificate for three hundred and twenty acres of land, to which he is entitled as a headright certificate; to John S. Hill, for three hundred and twenty acres of land, to which he is entitled as a headright; and a certificate to the heirs of Henry Applewhite for one league and one labor, to which said Applewhite was entitled as a headright; provided, that it shall appear to the Commissioner of the General Land Office, that neither said Applewhite or his heirs have received land by virtue of settlement in Texas. And to George Peerman a certificate for one-third of a league of land, as a headright, and said certificate shall be located, surveyed and patented in all respects as other headright certificates.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed, August 26th, 1856.

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CHAPTER CCXXVI.

An Act for the relief of John Parsons.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of Public Accounts be, and he is hereby required to audit and allow John Parsons, account for his services on board the brig Wharton, in 1842, and for supplies furnished her, and for his services in transporting troops from Galveston to Lamar, amounting in all to \$135. and that he draw a warrant upon the Treasurer in favor of the said John Parsons, for one hundred and thirty-five dollars; and the said warrant be paid out of the money in the Treasury

not otherwise appropriated. And that this act be in force and effect from and after its passage.

Passed, August 26th, 1856.

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#### CHAPTER CCXXVII.

An Act for the relief of Mrs. Georgiana M. Lewis, widow of A. Irwin Lewis, deceased, late Lieut. in the Navy of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the State of Texas hereby donates to Georgiana M. Lewis, widow of A. Irwin Lewis, deceased, late Lieut. in the Navy of Texas, a certificate for six hundred and forty acres of land, and that the Commissioner of the General Land Office be, and he is hereby required to issue the same in the name of Georgiana M. Lewis. Which certificate, when issued, may be located and patented as headright certificates.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed, August 26th, 1856.

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#### CHAPTER CCXXVIII.

An Act for the relief of Francisco Antonio de los Rios and other persons therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Francisco Antonio de los Rios a certificate for one league and labor of land. To the heirs of Jose de Jesus Rodriguez a certificate for one league of land; and to the heirs of Vincente Soto a certificate for one league and labor of land; which certificates may be located and patented as other first class certificates. And that this act take effect and be in force from and after its passage.

Passed, August 26th, 1856.

CHAPTER CCXXIX.

An Act for the relief of William M. Hurt, late Custom Collector for the District of San Augustine, and his securities upon a certain bond.

Section 1. Be it enacted by the Legislature of the State of Texas, That William M. Hurt, late Custom Collector for the District of San Augustine, and his securities, be and are hereby released and acquitted from any and all responsibility upon and on account of a certain bond, made and executed by him and certain securities, on the 7th day of January, A. D. 1852, and payable to the State of Texas three years after date, for the sum of five thousand two hundred and sixty-four dollars and eleven cents. And that this act shall take effect and be in force from and after its passage.

Passed, August 26th, 1856.

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CHAPTER CCXXX.

An Act to relinquish in favor of certain persons the right of the State to certain lands.

Section 1. Be it enacted by the Legislature of the State of Texas, That the State hereby relinquishes in favor of, and to S. S. Givens, J. K. McCreary, H. W. Hawes, John R. Baker, R. J. Holbun, J. A. Prett, C. T. Hawes, S. G. Powell, E. Hawes, C. M. Coen, Mary Ann Tucker, Wm. B. Pegrim, Wm. F. Hawes, Wm. H. Kearney, Charles Scott, L. T. Tucker, J. H. Davis, D. Shepperd, Thomas Forrester, J. K. Hawes and others, and their heirs and assigns, claiming under James Power according to their respective titles, all the right, title and interest of the State, in and to six hundred and forty acres of land, situated on Matagorda island, with the following boundaries: beginning where the waters of Bayou McHenry intersects the channel of Matagorda pass; from thence with said Bayou, one mile to a stake, the original corner of Saluria; thence south thirty minutes east one mile to a stake; thence north 89° 30' east, to the channel of Matagorda pass; thence along said channel to the place of beginning. And also in favor of, and unto Theodore Ryan, S. S. Givens, the heirs of John B. Tucker, deceased, Hugh W. Hawes, the heirs of Alexander Som-

merville, deceased, James Mainland, J. D. Royall, Jerry Smith and William Hill and their heirs and assigns, according to their respective titles, derived through James Power, thirty-five and ninety-two hundredths acres of land, situated on McHenry's Bayou, and west of the above survey, and one hundred and forty acres south and adjoining said six hundred and forty survey, and also in favor of and unto Hugh W. Hawes, one labor of land with the following boundaries, beginning where the waters of McHenry's Bayou intersects the channel of Matagorda pass; thence west along said Bayou, twelve hundred yards to a stake, the original corner of a survey for W. W. T. Smith; thence north 30' east, one thousand yards to a stake; thence south 89° 30' east to the channel of Matagorda pass; thence along said channel to the place of beginning; provided, the land hereby relinquished shall not exceed one thousand acres, and further provided, that this act shall not be construed into a confirmation of the titles of James Power, nor so as to affect the rights of other parties.

Sec. 2. That this act take effect and be in force from its passage.  
Passed, August 26th, 1856.

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## CHAPTER CCXXXI.

### An Act for the relief of Paul G. Moffatt.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby required to issue to Paul G. Moffatt, an augmentation certificate for three hundred and twenty acres of land, and that the same may be surveyed and patented according to law. And that this act take effect and be in force from and after its passage.

Passed, August 27th, 1856.

CHAPTER CCXXXII.

An Act for the relief of William Herrington, of the county of Anderson.

Section 1. Be it enacted by the Legislature of the State of Texas, That the survey of six hundred and forty acres of land made on the 7th day of September, A. D. 1852, for William Herrington, by virtue of a certificate issued by the Board of Land Commissioners of Shelby county, to one Henry Tully, for 1280 acres of land, shall be as good and valid as if made upon a genuine and valid certificate for land, and the Commissioner of the General Office is hereby authorized to issue a patent upon the same; provided, that said Herrington shall, within twelve months after the passage of this act, and before the issuance of any patent, file in the Land Office a good and valid certificate for land, to which said survey may be applied; and provided further, that said survey in all other respects is made in compliance with law.

Sec. 2. That nothing in this act shall be construed to affect the rights of third persons. And that this act take effect and be in force from and after its passage.

Passed, August 27th, 1856.

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CHAPTER CCXXXIII.

An Act for the relief of certain Persons therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be, and he is hereby authorized and required to draw a draft upon the Treasurer for the benefit of the following named persons: Jonathan Hobbs, heirs or legal representatives, seventy-five dollars; Thomas Ragsdale, forty-seven dollars and twenty-five cents, for services in Vasques and Wall expedition; William Dean, sixty seven dollars, for services in Somerville campaign; provided, that no payment has heretofore been made to the said parties for the services, herein named.

Sec. 2. That upon the presentation of the drafts contemplated in the first section of this act, the same shall be paid



to the persons entitled to receive the same out of any money in the Treasury not otherwise appropriated.

Sec. 3. That this act take effect from its passage.

Approved, August 27th, 1856.

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#### CHAPTER CCXXXIV.

An Act for the relief of Henry C. Lentz and David Holdeman.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized to issue to Henry C. Lentz a certificate for one-third of a league of land, to be located upon any portion of the public domain not otherwise appropriated; provided, the records of the General Land Office do not show that the said Lentz has heretofore received the quantity of land to which he was entitled. And that the Commissioner of the general Land Office also be, and he is hereby authorized to issue to David Holdeman a certificate for a fourth of a league of land, which may be located and surveyed on any portion of the public domain, not otherwise appropriated, and that the Commissioner of the General Land Office be further authorized to cancel the title for one-fourth of a league of land, issued to said Holdeman by Talbut Cumbus, Commissioner, &c.

Sec. 2. That this act be in force from and after its passage.

Passed, August 27th, 1856.

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#### CHAPTER CCXXXV.

An Act amending and supplementary to "an act amending and supplementary to an act to incorporate the Henderson and Burckville Railroad Company," passed by a constitutional majority on the 24th January, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Mexican Gulf and Henderson Railroad Company shall have one year from the fifteenth day of November, 1856, to commence said railroad and to complete twenty-five miles thereof, and five years thereafter, within which to finish said road.

Sec. 2. That all the sections, grants, provisions and privileges of an act entitled an act to encourage the construction of railroads in Texas, by donations of land, approved January 30th, 1854, be, and the same are hereby extended to the Mexican Gulf and Henderson Railroad Company, until the 15th day of November, 1857

Sec. 3. That said company shall be at liberty to adopt for their said road, any gauge they may think proper, any general law of this State to the contrary notwithstanding; provided, that said gauge shall not be less than five and a half feet.

Sec. 4. That this act take effect from and after its passage.

Passed, August 27th, 1856.

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#### CHAPTER CCXXXVI.

An Act Amending and Supplementary to an act, Amending and Supplementary to an act, Amending and Supplementary to an act to incorporate the Henderson and Burkville Railroad Company, passed by a constitutional majority 24th January, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That if the Mexican Gulf and Henderson Railroad Company avail themselves of, and take any benefit under "An Act amending and supplementary to an act, amending and supplementary to an act to incorporate the Henderson and Burkville Railroad Company, passed by a Constitutional majority, on the 24th day of January, 1856," they shall be compelled to build their road five and a half feet in width, according to the gauge established by the General law of this State. And that this act shall take effect from and after its passage.

Approved, August 26th, 1856.

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#### CHAPTER CCXXXVII.

An Act for the relief of Arthur G. Wavell.

Section 1 Be it enacted by the Legislature of the State of Texas, That Arthur G. Wavell is hereby authorized to institute a suit against the Governor of the State of Texas, to settle his claim as empresario under his alleged contract with

the Government of Mexico, which suit shall be brought, tried and determined in the county of Travis, in said State, and shall be tried as all other land suits are required to be tried, and should said Wavell fail to establish the claim for which he sues, he shall pay all the costs of such suit, for which security may be required as in other cases, including the fee of the Attorney General. That all persons claiming under said contract or interested in the same, shall be entitled to intervene in said suit and have their rights adjusted before said court according to the relative interests of each.

Sec. 2. That the alienage of said Wavell or the fact that the emigrants which he may prove to have been introduced by him, were not Europeans and Catholics, shall not bar or impede his right of action.

Sec. 3. It shall be the duty of the Attorney General to defend said suit in behalf of the State.

Sec. 4. This act shall take effect from its passage.

Passed, August 27th, 1856.

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## CHAPTER CCXXXVIII.

An Act to consolidate in one act and to amend the several acts incorporating the city of Galveston.

Section 1. Be it enacted by the Legislature of the State of Texas, That all free white inhabitants of the city of Galveston shall continue to be a body politic and corporate by the name of the Mayor, Aldermen and inhabitants of the city of Galveston, and by that name they and their successors shall have exercise and enjoy all the rights immunities, powers privileges and franchises and shall be subject to all the duties and obligations now appertaining and incumbent on said city as a corporate, or incumbent upon the inhabitants or officers thereof, and may ordain and establish such acts, laws, ordinances and regulations, not inconsistent with the constitution or laws of this State as shall be needful to the good order of said body politic, and under the same shall be known in law, and be capable of suing and being sued, and of defending in all courts in all actions and matters whatsoever, and may have a common seal, and may alter and change the same at their pleasure, and shall be capable of holding and conveying

any estate real, personal or mixed for the use of said corporation.

Sec. 2. That the administration of the corporate powers and government of said city of Galveston shall be vested in a Mayor and Board of twelve Aldermen who shall form the city council, a majority of whom shall be a quorum for the transaction of business generally. Said Mayor and Aldermen shall be chosen in manner following, that is to say, the Mayor shall be elected by the duly qualified voters of the city, voting in their respective wards, and shall hold his office for one year from the date of his election, and until his successor shall be elected and qualified. The board of Aldermen shall be elected by the same voters, and in the same manner, and shall be appointed as follows: four shall be elected from the first ward, four from the second and four from the third, and shall hold their offices for the term of two years from the date of their election, and until their successors are duly elected and qualified, but the Aldermen elected from each ward at the first election held under this act, shall be divided into two classes to be determined by lot to be drawn at the first meeting of the board after their election and qualification; and those of the first class shall hold their offices for the term of one year, and those of the second class for the term of two years and until their successors are duly elected and qualified, so that thereafter there shall be elected and chosen in each ward at every election, two Aldermen, who shall hold their offices for the term of two years.

Sec. 3. That the Mayor of said city shall be the chief executive Magistrate thereof; it shall be his duty to be vigilant and active in causing the laws, ordinances and regulations of the city to be executed and enforced, to exercise a general supervision over the conduct of all subordinate officers and to cause their violations of law or neglect of duty to be punished; he shall call at the request of three Aldermen, special meetings of the board of Aldermen and shall cause notifications of such meetings to be left at the usual dwelling place of each member of the board, he shall from time to time communicate with the board of Aldermen such information and recommend such measures as the business and interest of the city may, in his opinion require, he shall receive for his services a salary to be fixed by the board of Aldermen, payable at stated periods, which salary shall not at any time be diminished during the

term of service of any incumbent for or under any pretext whatever.

Sec. 4. That the executive power of said city, and the administration of police shall be vested in the Mayor and Aldermen, as full as if specially defined and enumerated in this act, the board of Aldermen shall define the duties of all subordinate officers and fix their compensation, and may remove such subordinate officers when in their opinion sufficient cause exists, two-thirds of the whole body concurring therein, should any member of the board of Aldermen be a candidate for any office within the gift of the board, he shall not be allowed to be present at the decision, nor entitled to vote thereon.

Sec. 5. That the said city council shall be assisted in the management of the affairs and administration of the government of said city by a Secretary, Treasurer, Marshal, Assessor and Collector of Taxes and such other subordinate officers as the said city council have heretofore provided for or shall hereafter by ordinance provide for, designate and direct. The Secretary to be elected annually by the board of Aldermen, at such time and in such manner as they may provide for, and shall be removable from office by a vote of two-thirds of said board; and the other officers shall be elected by the duly qualified voters of said city annually at the time and in the manner now provided for or which may hereafter be provided for by law. And in case of vacancy in any of the said offices by death, resignation or otherwise, the same shall be filled by an election by the board of Aldermen for the residue of the unexpired term of said office.

Sec. 6. That the Mayor of said city shall qualify by taking and subscribing an oath, well, truly and faithfully to discharge the duties of his office, which may be administered to him by the Chief Justice of said county, or any Justice of the Peace or notary Public resident in the city.

Sec. 2. That for the purposes of holding elections for city officers said city shall be divided into three wards to contain as near as may be practicable and convenient an equal number of voters, and it shall be the duty of the board of Aldermen whenever it may be deemed needful to alter said wards in such manner as to preserve as near as may be an equal number of voters in each, and should it become necessary from a large increase of population to increase the number of wards, in order to preserve an equality of votes, they shall be vested with

power to make such increase. In each of said wards there shall be chosen by ballot of the Board of Aldermen, annually, on the fourth Monday in February, a Warden and Clerk who shall hold their offices for one year, and until others have been chosen and sworn to supply their places; said Warden and Clerk shall be sworn to the faithful performance of their respective duties by any Justice of the Peace of said city; a certificate of such oath having been administered, shall be issued and then filed in the Mayor's office; the Warden shall preside at all ward meetings, and shall also act as moderator or Judge of the elections, and if at any meeting the Warden shall be absent the Clerk shall call the meeting to order and preside until a Warden pro tempore shall be chosen; the Clerk shall record all the proceedings and certify the votes given and shall hand over to his successor in office, all journals, documents and papers held by him as Clerk; the inhabitants of each ward may choose two persons to assist such Warden in receiving, sorting and counting the votes; a list of the legal votes in each ward shall be prepared by the Assessor and Board of Aldermen, and all regular ward meetings shall be called and notified by a warrant from the Mayor and Aldermen.

Sec. 8. That the council shall give at least ten days notice of all elections, and they shall be held, certified and returned in the manner prescribed by the 7th section of this act.

Sec. 9. That on the first Monday of the month of March in each and every year the qualified voters of each ward shall ballot for a Mayor and Alderman of such ward; all the votes given in for the said several officers respectively shall be sorted, counted and declared in open ward meetings, by causing the names of the persons voted for and the number of votes given for each to be written in words at length; and the Ward Clerk shall within twenty-four hours deliver to each of the persons elected Alderman, certificates of their election, and shall also within the same time deliver to the Secretary of the city council a certified copy of the record of election. And the Aldermen so elected on the first Monday in March shall meet on the Wednesday following, and shall then qualify by taking and subscribing an oath well and truly and faithfully to perform the duties of their offices to the best of their abilities, which said oath may be administered to them by the Mayor in office or any Justice of the Peace or Notary Public resident in said city. And the said Board of Aldermen being

so assembled and having been duly qualified shall proceed to the examination of the copies of the records of the several wards, certified as aforesaid, and shall cause the person whom they shall determine to have been elected Mayor by a plurality of the legal votes given in all the wards to be notified in writing of his election, and they shall at the same time and place and in the same manner proceed to the examination and declaration of the election of all other and subordinate officers of the said city who shall have been voted for at the ward meeting held on the same day.

Sec. 10. That in case the person elected Mayor shall refuse to accept the office, the said Board of Aldermen shall issue their warrant for another election; and in case of vacancy in the office of Mayor by death or resignation or otherwise, it shall be filled for the remainder of the term by a new election to be held under a warrant to that effect from the Board of Aldermen. And in case of a vacancy in the Board of Aldermen by a refusal to accept the office, by death, resignation or otherwise, the Board shall order a new election in the ward in which the vacancy may occur to fill the residue of the unexpired term; which election shall be conducted in ward meeting in the same manner as that provided for the annual election.

Sec. 11. That the Mayor shall be commissioned by the Chief Justice of Galveston county, and shall have all the powers of an ordinary Justice of the Peace in all matters arising under the laws and ordinances of said city council, and shall have full power, authority and jurisdiction to hear and determine all complaints for infractions of the ordinances of said city, and generally to enforce and carry into effect such laws and ordinances as the corporation of said city have heretofore made and ordained or shall hereafter, from time to time make and ordain. Provided, that in the infliction of penalties the said Mayor shall not have power or authority to impose any greater fine than one hundred dollars, and shall not have authority to imprison for a longer term than fifteen days. And provided further, that any person accused before said Mayor of an infraction of any of the laws or ordinances of said city, shall have the right to demand a trial by jury, which jury shall be summoned by the city Marshal or other executive officer, and the trial proceed as in cases of jury trials in courts of the Justices of the Peace.

Sec. 12. That the Mayor of said city shall be Ex-officio chief of Police within said city and shall have power to dis-

miss and discharge all subordinate officers in that department of the public service except the city Marshal who shall be removable for neglect of duty or misconduct in his office on complaint of the Mayor, by a vote of two thirds of the Board of Aldermen. Provided always, that the charge or charges against said Marshal shall be preferred in writing, and that he shall have reasonable notice thereof and sufficient opportunity to make his defence thereto before said Board.

Sec. 13. That the Mayor of the city shall have a seal to be called the seal of the Mayoralty of the said city which shall be affixed to all proper official acts of the corporation; he shall by and with the consent of the council appoint all measurers, weighers, gaugers, wharfingers, scavengers and other officers and ministers who shall be directed by any ordinance of the said council; he shall have power to license all taverns and boarding houses, hackney coaches or other carriages for the conveyance of persons for hire, and all carts, wagons and drays for the carriage of goods or other articles for hire, subject however to such restrictions as the said Mayor and city council shall by ordinance direct, and that any person selling spirituous or vinous liquors by retail or otherwise disposing of it in contravention of any ordinance; keeping a boarding house, tavern or lodging house for hire, driving or owning any coach or carriage for the conveyance of any person for hire, or any cart or dray or other carriage for the conveyance of any goods or other articles for hire, within the said city, without such license from the said Mayor, shall for every such offence forfeit the sum of twenty dollars, to be recovered in any court having cognizance thereof, one-half to the use of the Mayor, Aldermen and inhabitants, and the other half to the use of any person who shall sue for the same; the Mayor shall superintend the police of said city and make regulations for the watchmen and Guard; he shall take care that the laws of said corporation are duly executed; he shall call meetings of the council whenever the affairs of the city shall require, and no order or resolution of city council for the disposal of any public property or the payment of any moneys shall have any force if the same be objected to within three days after the passage thereof by the Mayor unless two-thirds of the said council agree to pass the same notwithstanding such objections; and for that purpose, all such resolutions shall be sent by the said council to the Mayor immediately after the same be passed.

Sec. 14. That no member of said city council shall be



appointed to any employment or office under the said corporation, which shall have been created or the emoluments whereof shall have been increased by the council during the time for which he shall have been elected.

Sec. 15. That the city council be, and is hereby authorized to affix all kinds of fines, not exceeding the sum of one hundred dollars as the case may require, for every offence against the by-laws and ordinances, which they are empowered to make, or have already made, pursuant to the said powers, the whole to be recovered in the name of the city, before the Mayor, Judges or Justices having cognizance thereof, and in case of non-payment of the said fine or penalty, the party sentenced to it, shall be subject to be committed to jail, until he has satisfied it. Provided, that the said imprisonment shall not exceed fifteen days.

Sec. 16. That in addition to the general powers vested in the Mayor and Aldermen of said city to ordain and establish ordinances, regulations and by-laws, they shall have full power and authority to make and pass such by-laws or ordinances as they shall deem necessary to maintain the cleanliness and salubrity of said city; to secure the safety and convenience of passing on the streets and squares, ways, levees and other public roads; to fix the squaring and to prevent any encroachment on said public works; to determine the completion and dimensions, the maintenance and repairs of side-ways or walks in the said streets at the cost of proprietors of houses, lands or neighboring lots; to fix the place and the anchorage of ships and water-crafts in the port of Galveston, leaving to the harbor master the care of attending to the execution of the regulations made on the subject; to establish an active system of inspection over the conduct of slaves; to establish a city guard or patrol, to provide when the population of the city and its revenues will permit for lighting the streets; to determine in what part of the city wooden chimneys shall not be allowed to be erected; to prevent gunpowder being stowed within the city in such quantities as to endanger the public safety; to determine on the means to be resorted to, in order to extinguish conflagration and prevent the same; to procure two or more Fire Engines for the corporation; to encourage the establishment of Engine Companies and regulate the service of the persons employed in working fire engines, to prevent or forbid Theatres, Balls and other public amusements; to cause the Theatres and other places for exhibitions

and shows to be closed whenever the preservation of order, public safety or tranquillity shall require it, to establish one or more market-places, and to determine the mode of inspection of all comestibles sold publicly either in said market or markets or other places; to regulate every thing which relates to bakers, butchers, tavern-keepers, or grog shops and any other persons keeping public houses, draymen, horse drivers, water carriers and slaves employed as day laborers; to fix the salaries or rates of charges of the said draymen, horse drivers, water carriers and day laborers, and to make any other regulations which may contribute to the better administration of the affairs of the said corporation, as well as for the maintenance of the police, tranquillity and safety of the said city; to prohibit the establishment of any faro bank or any bank where money is bet at any game of hazard or chance, either with cards, dice, or anything else whatsoever, and also to prohibit the establishment of roulette tables and all other machines, instruments or thing used for gambling.

Sec. 17. That the Mayor and city council of said city shall have power to assize bread made from wheat flour, and offered for sale in said city, regulating the same weekly, when necessary agreeable to the market price of flour.

Sec. 18. That the said city council shall have power and authority to determine the dimensions, grade, mode of construction and paving of side-walks in the streets of the said city, and to enforce the construction and repairs thereof at the cost of the preoprietors and owners of neighboring and adjacent lots. And shall also have power and authority to order and compel the owners or lessees of lots upon which pools of water have accumulated or are likely to accumulate, or which in the opinion of said city council may in other respects have a tendency to engender disease to fill them up in such mode and manner, and to conform to such grade as the city council have already established or may hereafter establish. And the said power granted in this section may be enforced either by the infliction of pecuniary penalty for refusal or neglect to comply with the orders and directions of the corporate authorities in these particulars, or the said city council may cause the work to be done at the expense of the owners or proprietors of the lots or the lessees thereof, and may recover the costs thereof from said owner, proprietor or lessee in such manner as shall be provided for by ordinance. And in any case where the owner or proprietor of the lot or lots shall be

a non-resident it shall and may be lawful to serve all necessary notices or citations upon his or her agent, if he or she shall have any known agent, and if there shall be no known agent resident in said city, then by publication of such notice or citation in one of the newspapers published in said city for the space of two calendar months; and such service upon the agent or by publication shall in all cases be equivalent to personal service. And all expenditures made by said city council or under its authority in the construction, paving and repair of sidewalks and the grading and filling up of lots shall be and constitute a charge and lien upon said lots till the amount thereof with interest thereon, at ten per centum per annum be fully paid and discharged. Provided, that the statement of the claim of the city upon such lots signed by the Mayor and countersigned by the Secretary be filed and recorded in the Clerk's office of the county court of Galveston county.

Sec. 19. That the Mayor and Aldermen of the city of Galveston, in Council, shall have power to levy and collect a tax upon all persons and upon all property, real and personal in said city; provided, however, that the tax upon property shall not in any one year exceed one-fourth of one per centum upon the assessed value of such property; and provided further, that no tax shall be levied unless by consent of two-thirds of the Board of Aldermen.

Sec. 20. That the Mayor and Board of Aldermen shall have power to levy and collect an annual license tax, not exceeding those specified in this section, viz: twenty-five dollars on all merchants in the city of Galveston, who shall vend goods, wares and merchandize by the wholesale, and an annual license tax of fifteen dollars on all merchants who vend goods, wares, and merchandize at retail, and an additional license tax of ten dollars per annum, where spirituous liquors in quantities of one quart or over, are sold; on all grog-shops, tippling houses or places where spirituous liquors, wines or cordials are sold in quantities less than one quart, an annual license tax of twenty-five dollars; on each billiard table, an annual license tax of twenty dollars; on each nine or ten pin alleys or any game of the kind, an annual license tax of twenty dollars; on each tavern or public boarding house, where spirituous liquors are sold, an additional annual license tax of twenty-five dollars; on each restaurant or eating house, an annual license tax of twelve dollars and fifty cents; on each dray, cart, hack or public car-

riage for the carriage of goods or other articles, or for the conveyance of persons, an annual license tax of five dollars; on each livery stable or stables where carriages are kept for hire or where horses are kept for hire, an annual license tax of ten dollars; on each person selling goods, wares and merchandize at public auction, an annual license tax of thirty dollars.

Sec. 21. That the Mayor and Board of Aldermen in Council, shall have power to levy and collect an annual license tax upon each person or firm pursuing the occupation of a real estate broker or merchandize, and cotton broker, or any Commission business, of twenty-five dollars, for each and every such establishment. And shall also have power to assess and collect of each person, firm or corporation, having money loaned at interest, a tax at the rate of one-tenth of one per centum upon each hundred dollars so loaned.

Sec. 22. That every person or person from whom an annual license tax may be due, in accordance with the foregoing section, shall be, and is hereby required to pay over to the city Treasurer, taking his receipt for the same, which receipt shall be presented to the Mayor, and a license in accordance with said receipt shall be issued by the Mayor to the party holding said receipt.

Sec. 23. That if any person shall engage in any avocation which by an ordinance of said city is subject to a license tax, without first having obtained said license, he, she or they shall be liable to pay one-fourth of the amount of the annual license tax, for each and every week he, she or they may be thus engaged, and in the same proportion for each day, to be recovered before the Mayor, any Justice of the Peace or the District Court, according to the amount, one-fourth part of which, shall be paid to the informer or prosecutor and the balance to the city.

Sec. 24. That the corporate limits of the city of Galveston, be for the present, and until otherwise provided, all that section of territory lying between seventh street and thirty-first street, including the harbor and anchorage of Galveston, and running from the front line on the Bay, as defined in the patent or deed to the Galveston company, from the government of Texas, to the Gulf of Mexico, between the streets aforesaid, so as to extend the authority of the corporation over all the territory defined.

Sec. 25. That the Board of Aldermen shall have the power of allowing the Mayor a salary which shall not exceed the sum of one thousand dollars per annum.

Sec. 26. That the said City Council shall not have power and authority to contract for and create debts, exceeding in the aggregate the sum of one hundred thousand dollars, unless the question of the creation thereof, be first submitted to a direct vote of the qualified voters of said city, and approved of and sanctioned by a majority of two-thirds of the votes cast.

Sec. 27. That the Mayor of the city of Galveston, in addition to the annual salary which may be allowed him by the Council, shall be entitled to receive for every warrant or commission issued to any officer appointed by him, and for every license by him granted, the sum of one dollar.

Sec. 28. That the Mayor shall be President of the Board of Aldermen, without a vote, except in case of a tie, and in case of the absence or inability of the Mayor, the Board of Aldermen shall choose one of their own members as President pro tempore, who shall possess all the rights and powers of the Mayor during such absence or inability.

Sec. 29. That in case of the death, removal, resignation, sickness, absence or inability of the Mayor to discharge the duties of said office, the same shall be performed by the President pro tempore of the Board of Aldermen, during such vacancy, inability or absence, until a new Mayor be elected, as hereinbefore provided for, and the President pro tem. thus performing the duties of Mayor during such time, shall be entitled to receive all the emoluments of said office of Mayor, and as often as any vacancy may occur in the City Council, it shall be lawful for the person performing the functions of Mayor, to direct an election in the ward, to supply such vacancy, in which the same may happen; for the time for which the member, whose death, resignation or incapacity to serve, caused such vacancy, would have been entitled to serve, which election shall be held and conducted in the same manner hereinbefore directed for the annual election of the several wards.

Sec. 30. That it shall be the duty of the Assessor and Collector to notify all persons who have a tax to pay to the corporation of the city of Galveston, the day on which such tax shall become due, and of the place where he shall keep his office by notice inserted in a newspaper of the city, and posted in three of the most public places of the city, for two months previous to the said day, and it shall be the duty of every person owing a tax, as aforesaid, to pay the same or cause to be paid at the office of said collector, and thirty days

after the day fixed for the payment of said taxes, the said Collector shall hand over to the city Marshal of the said city of Galveston, a list of all such persons as have neglected to pay said tax, together with the amounts of the same, and it shall be the duty of said Marshal, on receiving said list, to seize upon any property, personal or real, belonging to such delinquent or delinquents, and after advertising in some newspaper in the said city for ten days, to cause the same to be sold at public auction, to the highest bidder for cash, or so much thereof as will pay such taxes, together with the costs of advertising and selling; provided, however, that in all cases where the taxes and the costs of advertising are paid previous to the day of sale of said property, the Marshal shall not sell, but deliver over the property so seized to the owner thereof; and provided, the owners of any real estate, their heirs, assigns or legal representatives, shall have the privilege of redeeming such real estate so sold, within twelve months from the day of said sale, upon paying the purchaser or purchasers, his, her or their assignees or legal representatives, or depositing in the city Treasury for his, her or their use, the amount of such taxes with costs and charges and an advance of one hundred per cent.

Sec. 31. That whenever information is lodged before the Mayor or any Justice of the Peace, on oath or affirmation, stating that there is good reason to believe that any person or persons have been guilty of a violation of the ordinances of said city, as contemplated in the foregoing section, such justice shall issue a warrant against the person or persons complained of, notifying him or them to appear before him forthwith, or in such time as the justice may think proper, and show cause, if any he or they have, why judgment shall not be rendered against him or them for the penalties incurred by this act, and if found guilty, judgment shall be rendered for the penalty and costs upon which execution may immediately issue.

Sec. 32. That the Treasurer for the said city corporation, shall give bond in favor of the Mayor and his successors in office, in such amount as may be required by the council, and with sufficient securities, conditioned for the faithful discharge of his duties, it shall be the duty of the Treasurer to receive all moneys belonging to said corporation, and make all payments of the same, to keep regular accounts of their real and personal property, to collect the rents, dues and demands be-

longing thereto, once in every year, at such time as shall be directed by the said Mayor and city council, to publish an account of the receipts and expenditures of the said Treasury; provided, that no payment be made by the said Treasurer, unless the same be authorized by a warrant drawn by the person exercising the functions of Mayor, in pursuance of an order of the city council; and further provided, that the city council may enlarge or diminish the amount of the bond from time to time, as circumstances and proper attention to the revenues may require, and they deem proper.

Sec. 33. That every free white male inhabitant of said city who shall have attained the age of twenty-one years, and who shall have rented at least twelve months previous to the day of election, within the limits of the city of Galveston, and who shall have paid all taxes which shall have been assessed against him by or under the authority of the city council, shall have and possess the right to vote at the election of Mayor and Aldermen, and other elective officers of said city.

Sec. 34. That in addition to the qualifications necessary for a voter, no person shall be eligible to the office of Mayor or Alderman who does not possess real estate within the limits of said city, of the value of one thousand dollars, according to the tax list.

Sec. 35. That the first election for Mayor and Alderman, and other officers elected and chosen by the people under the provisions of this act, shall be held on the first Monday of March, A. D. one thousand eight hundred and fifty-seven, and that until said time, and the election and qualification of their successors, the Mayor and Aldermen and other officers now in office shall continue to exercise the power and authority conferred upon them by the laws heretofore in force, or conferred by the provisions of this act.

Sec. 36. That an act entitled "an act for the incorporation of the city of Galveston," approved February 5th, 1840, and also an act entitled "an act to repeal in part and amend an act entitled an act for the incorporation of the city of Galveston," approved February 5th, 1840, which was approved February 5th, 1844, be, and the same are hereby repealed. And that all property, actions, rights of actions, claims and demands of every nature and kind whatsoever, vested in the said corporation, under and in virtue of the said laws hereby repealed, shall vest in, remain, continue and inure to the said corporation, under this act, as fully and completely in all res-

pects, as if the said laws had not been repealed; and that all laws and ordinances made or passed under or in pursuance of the said repealed laws, shall continue and remain in force until repealed by the said Mayor and Aldermen in city council.

Sec. 37. That this act take effect and be in force from and after its passage.

Passed, August 27th, 1856.

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CHAPTER CCXXXIX.

An Act to incorporate Ida Lodge, No. 14, Independent Order of Odd Fellows.

Section 1. Be it enacted by the Legislature of the State of Texas, That the officers and members of Ida Lodge, number 14, of the Independent Order of Odd Fellows, of Cass county, Texas, and their successors, be and they are hereby declared to be a body corporate and politic by the name and style of "Ida Lodge, number fourteen, of the Independent Order of Odd Fellows," and by that name they are, and their successors shall, and may at all times hereafter, be capable in law to have, receive and retain any estate, real or personal, by gift, purchase, devise or bequest, or such estate at their pleasure to transfer, and dispose of in such manner as they may think proper; provided, that said corporation shall not, at any time, hold or possess real estate exceeding in value the sum of thirty thousand dollars.

Sec. 2. The said corporation by the name and style aforesaid, shall be capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all or any of the Courts of this State, and before all or any Judge, officer or persons whatsoever, in all and singular actions, matters and things whatsoever.

Sec. 3. The said corporation may have a common seal for their use, and the same, at their will and pleasure, to change, alter or make anew, from time to time, as they may think best; and in general have and exercise all such rights, privileges and immunities, as by law are incident and necessary for corporations of a like character. And that this act shall be in force from and after its passage.

Passed, August 28th, 1856.



## CHAPTER CCXL.

## An Act for the relief of Martin Murchison, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to the heirs of Martin Murchison, deceased, a certificate for one league of land, less the amount which the Commissioner finds is not in conflict with the eleven league grant made to Ramon de la Garza, lying in Houston county, which may be located and surveyed as other like certificates.

Sec. 2. That this act take effect from its passage.

Approved, August 27th, 1856.

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## CHAPTER CCXLI.

## An Act for the relief of Peter Dowd.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Peter Dowd a certificate for three hundred and twenty acres of land, to be located, surveyed and patented as in other cases. And that this act take effect and be in force from and after its passage.

Passed, August 28th, 1856.

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## CHAPTER CCXLII.

## An Act for the relief of John Harwood, E. J. Blair, and the heirs of John B. Murphree.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Jno. Harwood a certificate for one league and labor of land; provided, however, before issuing said certificate to said Harwood, the Commissioner shall cancel a certificate for one league and labor, issued to him in 1845, by the County Court of Gonzales county. To E. J. Blair, a certificate for three hundred and

twenty acres of land; and to the heirs of Jno. B. Murphree, deceased, a certificate for three hundred and twenty acres of land, (all of said parties being citizens of DeWitt county,) which certificates shall be held and recognized in all respects as other genuine head-right land certificates. And that this act take effect and be in force from and after its passage.

Passed, August 28th, 1856.

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CHAPTER CCXLIII.

An Act for the relief of the heirs at law of William P. King, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to the heirs at law of William P. King, deceased, a certificate for six hundred and forty acres of land, which may be located and surveyed upon any vacant and unappropriated lands of the State.

Sec. 2. That upon the survey of the said certificate and the return of the field notes according to law, the said Commissioner shall issue a patent upon the same.

Sec. 3. That this act shall be in force from and after its passage.

Approved, August 27th, 1856.

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CHAPTER CCXLIV.

An Act for the relief of the heirs of Nathaniel Smith.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to the heirs of Nathaniel Smith a headright certificate for six hundred and forty acres of land; said certificate, when issued, to be located, surveyed and patented as other certificates of a similar character. And that this act take effect and be in force from and after its passage.

Approved, August 27th, 1856.

## CHAPTER CCXLV.

An Act for the relief of Daniel R. Kincheloe, Samuel S. Montgomery, the heirs of Jesse W. Flowers, the heirs of Virgil A. Stuart, and the heirs of John Thomas, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Daniel R. Kincheloe a certificate for three hundred and twenty acres of land, for bounty land; and a like certificate for three hundred and twenty acres of land, for bounty land; and a certificate for six hundred and forty acres of land, as San Jacinto donation land, to which said Kincheloe is entitled by virtue of his services in the army of 1835 and 1836, and having participated in the battle of San Jacinto. To Samuel S. Montgomery, a certificate for three hundred and twenty acres of land. To the heirs of Jesse W. Flowers, a certificate for six hundred and forty acres of land. To the heirs of Virgil A. Stuart, a certificate for three hundred and twenty acres of land. And to the heirs of John Thomas, deceased, a certificate for one league and one labor of land. All of which certificates may be located, surveyed and patented as other certificates.

Sec. 2. That this act take effect from and after its passage.

Approved, August 28th, 1856.

## CHAPTER CCXLVI.

An Act to incorporate the Frost Institute.

Section 1. Be it enacted by the Legislature of the State of Texas, That S. M. Frost, W. Welborn, Milton Lum, and Randolph Foster, be and they are hereby incorporated a body politic under the name and style of the Trustees of the Frost Institute, capable in law of suing and being sued, of pleading and being impleaded, or holding property, real, personal or mixed, of selling and conveying the same at pleasure, of having a common seal, and doing and performing whatever else may be proper and necessary to be done for the advancement of said institution, not contrary to the Constitution and laws of this State.

Sec. 2. That this charter and privilege shall extend to the said Trustees, their successors in office, so long as they confine the operations of the same to the promotion of useful knowledge to the young, and the advancement of science; and the said institution shall be accessible to all without regard to religious opinions.

Sec. 3. That the Trustees shall have full power to enact such by-laws, rules and regulations for the government of said Institution as may to them seem necessary. Said Institution shall not have over one hundred thousand dollars worth of property at any one time. The Institute may be located on five acres of land out of the survey of R. H. Hunter, in Fort Bend county, obtained from Dr. Johnson Hunter, his wife, and their heirs, for academical and church purposes, in the name of the Trustees, upon said Trustees making a deed of said five acres of land in conformity with their deed of trust to the Trustees named in the first section of this act. Otherwise said Institute may be located anywhere in the county of Fort Bend, designated by a majority of the said Board of Trustees.

Sec. 4. That this act shall take effect from and after its passage.  
Passed, August 28th, 1856.

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## CHAPTER CCXLVII.

### An Act for the relief of John G. Tod.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be, and he is hereby authorized and required to draw his warrant on the Treasury, in favor of John G. Tod, for five hundred and two dollars and ninety-six cents. And the Treasurer is hereby required to pay the same out of any monies in the Treasury not otherwise appropriated. And that this act take effect from and after its passage.

Approved, August 28th, 1856.

## CHAPTER CCXLVIII.

An Act to incorporate the town of Montgomery in the county of Montgomery.

Section 1. Be it enacted by the Legislature of the State of Texas, That the people of the town of Montgomery, in the county of Montgomery, be, and they are hereby declared a body politic and corporate, under the name and style of the town of Montgomery, and by that name may sue and be sued, plead and be impleaded, may hold and dispose of real, personal and mixed estate, and do and perform all other matters generally pertaining to corporations.

Sec. 2. That the limits of said corporation shall extend one-half mile in every direction, from the public square, in the said town of Montgomery.

Sec. 3. That in all suits brought against said town, process shall be served upon the Mayor, and in all suits by or against the same, the Mayor may make all affidavits or oaths, and execute all bonds or any other instruments needed in the due prosecution or defence of said suits.

Sec. 4. That there shall be a Council of said town to consist of a Mayor and six Aldermen, who shall be elected by the qualified electors residents within the corporate jurisdiction of said town. There shall also be elected at the same time, and in the same manner, one Recorder, and Treasurer, and one Marshal; that all the officers elected by this act, shall, before they enter upon the duties of their respective offices, take and subscribe an oath before any officer authorized to administer oaths, that they will faithfully and impartially discharge the duties of their respective offices, and the Treasurer and Marshal shall also give bond, with two or more good and sufficient securities to the Mayor and his successors in office, to be approved by the Council, in such sum as they may require, not exceeding two thousand dollars, conditioned to perform all the duties of their respective offices.

Sec. 5. That at any time after the passage of this act, the Chief Justice of said county may cause an election to be held for said officers, under the superintendence of some one named in his order by giving ten days previous notice by pasting an advertisement upon the court-house door, in said town, which election shall be conducted according to the law governing elections in this State. The returns of the same shall be

made to the Chief Justice of said county, and the said officers shall be commissioned by him. The first officers elect shall hold their offices until the first Monday in April thereafter, until their successors are qualified, at which time there shall be another election for said officers, to be ordered and held as above, and annually thereafter, on the first Monday in April, in each and every year, and in all cases the officers shall hold their offices until their successors are qualified.

Sec. 6. That when a vacancy may occur in any of said offices, an election shall forthwith be ordered to fill such vacancy, and the officers so elected shall hold their offices until their next annual election; and in case of a vacancy occurring in any office, except that of Mayor, it shall be the duty of the Mayor to order said election, and exercise all the duties and powers herein delegated to the Chief Justice, but in case of a vacancy occurring in the office of Mayor, it shall be the duty of the Chief Justice to order an election to fill said vacancy.

Sec. 7. That all free white males over the age of twenty-one years, who have been resident citizens of the town three months next preceding any election, otherwise qualified voters in the State, and pay tax to the corporation, shall be entitled to a vote for officers of said corporation.

Sec. 8. No person shall be eligible to the office of Mayor or Alderman, unless he is entitled to a vote and own real estate in said town, the other officers to be citizens and entitled to a vote.

Sec. 9. That the Mayor shall be President of the Council, that the Mayor and three of the Aldermen shall constitute a quorum to do business; that the regular meeting of the Council shall be on the third Monday in April, July, October and January; special meetings may be held at such other times as the Mayor may direct, in writing signed by him.

Sec. 10. The Council shall have power to enact such rules, ordinances and regulations, as they may deem proper, for the proper government and improvement of the town, and preservation of good order in the corporation limits; provided, they shall not conflict with the laws of the State. They shall enact rules and by-laws to regulate their own proceedings, and shall have full power to enact and enforce proper police regulations. They shall have and exercise control and supervision over the public square and streets of said town, regulate paving and cleansing of the same, regulate the markets, remove nuisances, establish the squares, streets and sidewalks of

the town, and keep them in order, and for such purposes may appoint such officers as they may deem proper, prescribe their compensation, and remove them at pleasure, and may enact penalties and forfeitures for the infraction or violation of any of the rules, ordinances, regulations or by-laws, not to exceed in any case the sum of one hundred dollars for any one offence.

Sec. 11. That the Council at a regular meeting shall have power to levy a tax on all vocations subject to taxation, under the laws of the State; provided, the license tax shall not exceed one-half the amount of the State tax, and a tax on all real estate within the limits of the said corporation, subject to taxation, by the laws of this State. Provided, the tax of any one year shall not exceed one-fourth of one per cent. ad valorem. That they may levy a poll tax on every free male person, resident in said corporation, over the age of twenty-one years, and under fifty years, not exceeding one-half dollar on each, which tax shall be assessed and collected by the Marshal, under the same regulations as the State tax is collected, so far as they may be applicable, and paid over to the Treasurer of the town, one copy of the assessment roll be returned to the Council and filed by the Recorder.

Sec. 12. It shall be the duty of the Recorder to enter in a well bound book, all the rules, ordinances, regulations and by-laws, and proceedings of the Council, and preserve the same, together with all papers, reports and documents filed with him belonging to the Council, and he shall be allowed such compensation as the Council may allow him for his services.

Sec. 13. That it shall be the duty of the Marshal to attend the Council in session and preserve order, to execute all writs legally issued to him by the Mayor and Council, and he shall have and exercise the same power as the Constables of the county, to execute and return said writs in the same manner as provided by law, defining the duties of Constables, and he shall be entitled to the fees allowed Constables for similar services.

Sec. 14. That it shall be the duty of the Treasurer to receive and safely keep all the money of the corporation, and shall only pay the same out by order of the Council, evidenced by draft signed by the Mayor and attested by the Recorder, and he shall make reports to the Council, under oath, of the

state of the finances of the corporation, from time to time, as they may order.

Sec. 15. That the Mayor and each Alderman shall be conservatives of the peace, and the Mayor shall have the same jurisdiction in criminal cases, misdemeanors and breaches of the peace, within the limits of said corporation, as is by law vested in Justices of the Peace, and shall be governed by the same law in such cases. The Mayor shall have power to call a jury in all causes which may be brought before him for trial, in the same manner and under the same rules and regulations as provided by law for the trial of causes in Justices Courts.

Sec. 16. All suits for the recovery of fines, penalties and forfeitures for violation of the ordinances, rules and regulations and by-laws of the Council, and for the recovery of taxes, and other dues to the town, shall be instituted before the Mayor in the name of the "town of Montgomery," who, in their dispositions shall be governed by the laws regulating Justices Courts.

Sec. 17. All fines, penalties, forfeitures and demands received before the Mayor, shall be paid to the Treasurer of the corporation, to be applied to the use of the town.

Sec. 18. At the close of each meeting of the Council, the Mayor shall examine the entries of the proceedings of the Council made by the Recorder, and approve the same, which shall be considered record evidence in all courts of the acts and proceedings of the Council.

Sec. 19. The Mayor and Aldermen shall be entitled to such compensation for their services while in session, as may be allowed by the Council, not exceeding two dollars per day.

Sec. 20. If at any meeting of the Council, the office of Mayor be vacant, or he be absent, unable or unwilling to attend from any cause, the Aldermen present shall select one of their number to act as Mayor pro tem., and if the office of Recorder or Marshal be vacant, they or either of them be absent, unable or unwilling to attend from any cause, the Council shall appoint a Recorder or Marshal pro tem.

Sec. 21. That all property within said town not rendered to the Marshal by the first day of August of each year, by the owner, for assessment, shall be assessed by the number of lots and blocks, and the tax thereon shall be collected as other taxes in the corporation.

Sec. 22. That it shall be the duty of the Recorder to paste up immediately after their enactment, on the court-house



door, a copy or copies of all rules, ordinances and regulations for the government of the town, and that all the books of the corporation shall be open to the inspection of the citizens of the town, at any and all times convenient for the same.

Passed, August 28th, 1856.

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## CHAPTER CCXLIX.

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### An Act for the relief of Bazil Lamar.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Auditor and Comptroller be and they are hereby authorized and required to audit the claim of Bazil Lamar, for two hundred and eighty dollars, the amount due him for five months service as 1st Lieutenant in Captain Bullock's company of the Army of Texas in 1836, and the certificate thus issued, be paid as other 2d class debt of the late Republic of Texas.

Sec. 2. And that the Commissioner of the General Land Office be, and he is hereby required to issue to Bazil Lamar a certificate for three hundred and twenty acres of Land, the bounty due him—the same to be located and patented as provided by law for bounty lands. And that this act take effect from its passage.

Approved, August 27th, 1856.

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## CHAPTER CCL.

### An Act to incorporate the Brazoria Male and Female High School.

Section 1. Be it enacted by the Legislature of the State of Texas That an Institution of learning, consisting of male and female department, be and the same is hereby established at or within four miles of the mouth of the Brazos river, on either side of said river in the county of Brazoria, and the name of the same shall be the "Brazoria High School."

Sec. 2. That M. A. Bryan, John H. Herdon, R. R. Brown, W. J. Bryan, J. G. McNeil, A. Jackson, S. S. Perry, M. S. Munson, J. A. Wharton and R. Clement to be, and they are hereby constituted trustees of said High School, and shall

hold their office for the term of twelve months from the passage of this act, their successors to be elected in such manner as their by-laws shall prescribe.

Sec. 3. That the aforesaid Trustees be and they are hereby constituted a body politic and corporate in deed and in law, by the name of the trustees of Brazoria High School, and by that name they and their successors may and shall have perpetual succession, and be able and capable in law to receive, have and enjoy to them and their successors, land, tenements, hereditaments of any kind, in fee or for life, or for years, and personal property of any kind whatever, and all sums of money which may be given, granted or bequeathed to them for the purpose of promoting the interest of said High School.

Sec. 4. That there shall be stated meetings of the Board of Trustees in each year, at the time of conferring degrees, and that the President of said Board of Trustees shall have full power to call an occasional meeting of the Board, whenever it shall appear to him necessary, and a majority of the Board shall have authority to call occasional meetings, whenever they may deem it necessary to do so.

Sec. 5. That the Trustees of said High School, may and shall have a common seal for the business of themselves and successors, with the liberty to alter or change the same from time to time, and as they shall think proper, and that by their aforesaid name they and their successors may and shall be able to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity in this State, and to grant, bargain and sell or assign any lands, tenements, goods or chattles that may belong to said School, to construct all the necessary buildings for said High School, to organize, establish and control a separate department and school for females, and such dependent institutions as they shall deem necessary in furtherance of the of the object of this act, to have the management of the finances, the privilege of electing their own officers, of appointin- all necessary committees and to act and do all things whatever for the benefit of said High School, in as ample a manner as any person or body politic or corporate may or can do by law.

Sec. 6. That the said Trustees shall have the power of prescribing the course of studies to be pursued by the students and of framing and enacting all such ordinances and by-laws

as shall appear to them necessary for the good government of said High School, and for their own proceedings; provided, always that the same be in accordance with the Constitution of the State of Texas.

Sec. 7. That the head of said High School shall be styled the President, and the instructors thereof the Professors, and the President and Professors or a majority of them the faculty of Brazoria High School, which faculty shall have power of enforcing the ordinances and by-laws adopted by the Trustees for the government of the students, by rewarding or censuring them, and finally by suspending such of them as after repeated admonitions, shall continue disobedient or refractory until a majority of Trustees can be had, and it can only be in the power of a majority of the Trustees to expel any student or students of said institute.

Sec. 8. That the Trustees shall have the full power by the faculty of said High School to confer such degree or degrees in the Arts and Sciences, to the students of said High School and to other persons worthy thereof, as are usually granted and conferred in other institutions of learning, and to give certificates thereof, or diplomas, signed by them and sealed with the common seal of the Trustees of the High School, to authenticate and perpetuate the memory of such graduates.

Sec. 9. That when any vacancy shall occur in the Board of Trustees, either by death, resignation or expulsion for cause, such vacancy or vacancies shall be filled by the selection of the remaining trustees.

Sec. 10. That all necessary officers of said High School shall be appointed by a majority of the Board of Trustees, viz: the faculty and minor officers, and that said officers shall always be subject to removal by the appointing power for cause.

Sec. 11. That the salaries of all officers connected with the High School shall be fixed by a majority of the Board of Trustees.

Sec. 12. That the Brazoria High School shall be purely literary and scientific, and that the students of all religious denominations shall enjoy equal advantages. And that this act shall be in force from its passage.

Passed, August 28th, 1856.

CHAPTER CCLI.

An Act making valid a certain Survey therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the location and Survey made in the county of Bowie, upon the headright certificate of John R. Rogers, for Josiah W. Fort as the assignee of said Rogers, and patented, be, and the same is hereby made valid; and the right of the State to the land included in said patent is hereby released to the said Fort; Provided, that nothing in this act shall be so construed as to effect the rights of third parties.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed, August 28th, 1856.

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CHAPTER CCLII.

An Act for the relief of Asa Dosett.

Section 1. Be it enacted by the Legislature of the State of Texas. That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Asa Dosett a certificate for six hundred and forty acres of land, as an augmentation to which he is entitled by virtue of his emigration to Texas prior to the first day of October, 1837, being the head of a family; when issued may be located and surveyed and patented upon any of the unappropriated public domain of the State as other certificates. And that this act take effect from and after its passage.

Approved, August 28th, 1856.

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CHAPTER CCLIII.

An Act for the relief of the heirs of Lucy Jordon, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land office be, and he is hereby authorized and required to issue to the heirs of Lucy Jordon, deceased, a certificate for twelve hundred and eighty acres of land, to be located, surveyed and patented according to law. And that this act take effect, and be in force, from and after its passage.

Approved, August 28th, 1856.

## CHAPTER CCLIV.

## An Act for the relief of John W. McNight.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby required to issue a certificate to John W. McNight for three hundred and twenty acres of land, which certificate may be surveyed, located and patented as in other cases. And that this act take effect immediately.

Passed, August 28th, 1856.

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## CHAPTER CCLV.

## An Act for the relief of Ruth McFadden.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be the duty of the Commissioner of the General Land Office to cancel certificate number one thousand and twenty-two, for three hundred and twenty acres of land, issued by J. M. Crockett, Commissioner of Mercer's Colony at Corsicana, Navarro County, on the 4th day of June, 1850, to Ruth McFadden, and issue to the said Ruth McFadden, in lieu thereof, a certificate for six hundred and forty acres of land, to be located on any vacant land within the limits of the Colony of Charles Fenton Mercer and his associates, not otherwise appropriated, to be patented as other Colony lands. And that this act take effect, and be in force, from and after its passage.

Passed, August 28th, 1856.

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## CHAPTER CCLVI.

## An Act for the relief of the heirs of Mary Hamilton.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to the heirs of Mary Hamilton, deceased, a certificate for twelve hundred and eighty acres of land, (headright) to be located surveyed and

patented, on any of the vacant and unappropriated lands of the State of Texas.

Sec. 2. That this act take effect, and be in force, from and after its passage.

Approved, August 28th, 1856.

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CHAPTER CCLVII.

An Act for the relief of E. B. Prater.

Section 1. Be it enacted by the Legislature of the State of Texas, That upon the payment of twenty-one dollars, the Commissioner of the General Land Office is hereby authorized and required to issue to E. B. Prater, a patent for three hundred and twenty acres of land, upon the field notes now filed in the Land Office.

Sec. 2. That this act take effect from and after its passage.

Passed, August 29th, 1856.

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CHAPTER CCLVIII.

An Act for the relief of Elijah Earl.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Elijah Earl, assignee of Samuel Wilson, the patent to one hundred and sixty acres of land, located and surveyed for the said Earl, assignee as aforesaid, by virtue of a bounty warrant No. 3347, for 320 acres of land. And that this act take effect and be in force from and after its passage.

Passed, August 29th, 1856.

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CHAPTER CCLIX.

An Act for the relief of Swan Bergstrom.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Swan

Bergstrom, a certificate for 320 acres of land, which said certificate, when issued, may be located, surveyed and patented upon any of the vacant and unappropriated public domain of the State of Texas.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed, August 29th, 1856.

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## CHAPTER CCLX.

### An Act for the relief of C. W. Peterson.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of one hundred and nine dollars and ten cents be, and the same is hereby appropriated, for the payment of services rendered by C. W. Peterson, to the late Republic of Texas, in making the assessment of Jackson county, in the year 1839, upon his giving bond in double the amount authorized to be paid him with security to be approved by the Comptroller, to bear the State harmless against said draft.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed, August 29th, 1856.

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## CHAPTER CCLXI.

### An Act for the relief of Seth Hazel.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby authorized and required to issue to Seth Hazel a certificate for one league and one labor of land. But before the said Commissioner issues said certificate, he shall be required to cancel the grant of the league claim made to said Seth Hazel.

Sec. 2. That this act take effect from and after its passage.

Passed, August 29th, 1856.

CHAPTER CCLXII.

An Act to authorize and require the Commissioner of the General Land Office to issue to Alexander Lacy, Assignee of David McIver, a patent for six hundred and forty acres of land.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be, and he is hereby authorized and required to issue to Alexander Lacy, assignee of David McIver, a patent for six hundred and forty acres of land, upon the survey now in the General Land Office, and made by virtue of said headright certificate; provided, said Alexander Lacy shall produce satisfactory evidence to the Commissioner of the General Land Office that he is the actual owner of said certificate, the records of which was burned in the office of the county Clerk of Grimes county, in December, 1848. And that this act take effect and be in force from and after its passage.

Passed, August 29th, 1856.

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CHAPTER CCLXIII.

An Act for the relief of Francis Blundell.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Francis Blundell a certificate for two-thirds of a league and one labor of land, the same being the quantum of land to which said Blundell is entitled as his augmentation headright, and that the same may be located and patented as other headright certificates.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved, August 29th, 1856.



## CHAPTER CCLXIV.

**An Act for the relief of Adam Gamgil.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of Public Accounts be, and he is hereby authorized and required to draw his warrant on the Treasurer of the State, in favor of Adam Gamgil, for the sum of twelve hundred and seventy dollars, for his services in the Santa Fe expedition, and that the Treasurer of this State be, and he is hereby authorized and required to pay the same out of any money in the Treasury not otherwise appropriated. And that this act take effect from and after its passage.

Approved, August 29th, 1856.

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## CHAPTER CCLXV.

**An Act for the relief of Robert McWilliams.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of Public Accounts be, and he is hereby required to audit and allow the account of Robert McWilliams, for two hundred and twenty dollars, for corn and meal furnished by him to the troops under command of Col. T. G. Brooks, in the summer of 1844, and that he issue a warrant upon the Treasurer for that amount. And that this act shall take effect and be in force from and after its passage.

Approved, August 29th, 1856.

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## CHAPTER CCLXVI.

**An Act for the relief of Samuel B. Dickinson.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the Treasurer of the State is hereby authorized and required to pay to Samuel B. Dickinson, out of any money in the Treasury not otherwise appropriated, the sum of three hundred and seventy-five dollars. And that this act take effect from its passage.

Approved, August 29th, 1856.

CHAPTER CCLXVII.

An Act to incorporate Margaret Houston Female College.

Section 1. Be it enacted by the Legislature of the State of Texas, That an institution of learning is established at Dangerfield, in the county of Titus, it shall be called Margaret Houston Female College, and shall be under the control of the Baptist Church at Dangerfield.

Sec. 2. There shall be fifteen Trustees, whose duty it shall be to take charge of the interest of the Institution, any five of whom shall constitute a quorum to do business.

Sec. 3. John G. Chambers, Orange Conner, Miginson Loving, Robert Hughes, James Jonathan Riggins, Allen Urquhart, James R. Bridges, John Summers, William M. Lacy, John Blankenship, W. M. Freeman, Willis Whitaker, Joshua F. Johnson, Alexander Hargus and William McCoy, shall be the first Board of Trustees.

Sec. 4. The Trustees aforesaid, and their successors in office shall be a body politic and corporate, indeed and in law, by the name of the Trustees of Margaret Houston Female College, and by that name, they and their successors may, and shall have perpetual succession, and be able and capable in law, to have, receive and enjoy, to them and their successors, lands, tenements and hereditaments of any kind, in fee or for life or for years, and personal property of any kind whatsoever, and also all sums of money, which may be given, granted or bequeathed to them, for the purposes of promoting the interest of said College; provided, the amount of property owned by said corporation, shall not at any time exceed three hundred thousand dollars.

Sec. 5. There shall be a stated meeting of the Board of Trustees, at the end of each Collegiate year, and the President of said College, shall have full power to call an occasional meeting of the Board of Trustees, or a quorum of the same, whenever he shall deem it necessary.

Sec. 6. The Trustees of said College shall and may have a common seal for the business of themselves and their successors, with liberty to change and alter the same as they think proper; and that by their aforesaid name, they and their successors shall and may be able to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity in this State, and to grant, bar-

gain and sell, or assign any lands, tenements, goods or chattles, now belonging to said College, or that may hereafter belong to the same, to construct all necessary buildings for said institution, to establish a preparatory department, and College proper, as well as such other dependent structures as they shall deem necessary; to have the management of the Finances; the privilege of electing their own officers; of appointing all necessary committees, and to act and do all things whatsoever for the benefit of said institution, in as ample a manner as any person or body politic or corporate, can or may do by law.

Sec. 7. The Trustees shall have the power of framing and enacting, all such ordinances and by laws, as shall appear to them necessary for the government of said College, and of their own proceedings; provided, the same shall not be repugnant to the Constitution and laws of the State of Texas.

Sec. 8. The head of such College shall be styled the President, and the instructors thereof, the professors; and the President and professors, or a majority of them, the faculty of Margaret Houston Female College, which faculty shall have the power of prescribing the cause of studies to be pursued by the students; of enforcing the ordinances and by-laws adopted by the Board of Trustees, for the government of the students, by rewarding and censuring them, and finally by suspending such of them as after repeated admonitions shall continue disobedient, or refractory, until a determination of the quorum of the board of Trustees can be had; but it shall only be in the power of a quorum of the Board of Trustees, to expel any student or students of the said College.

Sec. 9. The Trustees shall have full power with the President and Professors of the said College, to give Diplomas or certificates signed by them, and sealed with the common seal of the Trustees of the College, to authenticate and perpetuate the memory of such graduations.

Sec. 10. When any vacancy shall occur in the Board of Trustees, either by death, resignation or otherwise, such vacancy shall be filled by the Baptist Church, at Dangerfield.

Sec. 11. The President, Professors and other officers shall be chosen by the Board of Trustees, subject to the approval of the Baptist Church at Dangerfield.

Sec. 12. The Baptist Church shall have the power of fixing the salary of all the officers connected with said institution and of removing any of them for neglect or misconduct in office.

Sec. 13. That in the institution hereby incorporated, the students of all religious denominations shall enjoy equal advantages.

Sec. 14. The Board of Trustees shall, at the close of each Collegiate year, make a full report of their proceedings and the condition of said College, and the preparatory department thereof, to the said Baptist Church, and that the said Baptist Church shall have and exercise general supervision and control over the said Board of Trustees, and that the said Church shall have and exercise full power to remove any member of said Board of Trustees, and that any and all vacancies in said Board of Trustees, caused by such removal, shall be filled as herein provided.

Sec. 15. In pleading this act, or a right derived therefrom, it shall be sufficient to refer to the same by its title, and the day of its passage; and the court thereupon take Judicial notice thereof.

Passed, August 29th, 1856.

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## CHAPTER CCLXVIII.

### An Act to incorporate the Waverly Institute.

Section 1. Be it enacted by the Legislature of the State of Texas, That an institution of learning consisting of male and female departments be, and the same is hereby established at the town of Waverly in the county of Walker to be known as the Waverly Institute.

Sec. 2. That John Hill, as President, Sam P. Ferguson, W. B. Scott, James E. Scott, H. M. Elmore, H. W. Fisher, John E. Abercrombie, James M. Powell, F. Maxey Lewis, be and they are hereby constituted trustees of said Institute, and shall hold their offices for the term of twelve months from the passage of this act, their successors to be elected in such manner as their by-laws shall prescribe.

Sec. 3. That the aforesaid trustees be, and they are hereby constituted a body politic and corporate, in deed and in law, by the name of the President and Trustees of Waverly Institute, and by that name they and their successors may and shall have perpetual succession, and be able and capable in law to receive, have and enjoy to them and their successors, land, tenements, hereditaments of any kind, in fee or for life.

or for years, and personal property of any kind whatsoever, and all sums of money which may be given, granted or bequeathed to them for the purpose of promoting the interest of said institute.

Sec. 4. That there shall be a stated meeting of the Board of Trustees in each year, at the time of conferring degrees, and that the President of said Board of Trustees shall have full power to call an occasional meeting of the board, whenever it shall appear to him necessary, and a majority of the board shall have authority to call occasional meetings, whenever they shall deem it necessary to do so.

Sec. 5. That the Trustees of said Institute may and shall have a common seal, for the business of themselves and their successors, with the liberty to alter or change the same from time to time, and as they shall think proper; and that by their aforesaid name they and their successors may, and shall be able to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of law and equity in this State; and to grant, bargain and sell, or assign any lands, tenements, goods or chattels now belonging to said institute, or that may hereafter belong to the same, to construct all the necessary buildings for said institute; to organize, establish and control a separate department and school for females, and such dependent institutions as they shall deem necessary in furtherance of the object of this act; to have the management of the finances, the privilege of electing their own officers, of appointing all necessary committees, and to act and do all things whatsoever for the benefit of said institute, in as ample a manner as any person or body politic or corporate may and can do by law.

Sec. 6. That the said Trustees shall have the power of prescribing the course of studies to be pursued by the students, and of framing and enacting all such ordinances and by-laws as shall appear to them necessary for the good government of said institute, and for their own proceedings: Provided always, that the same be in accordance with the constitution of the United States, and of the State of Texas.

Sec. 7. That the head of said institute shall be styled the President, and the instructors thereof the Professors, and the President and Professors, or a majority of them, the "faculty of Waverly Institute," which faculty shall have power of enforcing the ordinances and by-laws adopted by the Trustees, for the government of the students, by rewarding or censuring

them, and finally by suspending such of them, as after repeated admonitions, shall continue disobedient or refractory, until a determination of a quorum of Trustees can be had, but it shall be only in the power of a quorum of Trustees to expel any student or students of the said institute.

Sec. 8. That the Trustees shall have the full power, by the faculty of said institute to grant or confer such degree or degrees in the arts and sciences, to the students of said institutes of said institute, and to other persons worthy thereof, as are usually granted and conferred in other colleges, and to give certificates thereof, or diplomas, signed by them, and sealed with the common seal of the Trustees of the Institute, to authenticate and perpetuate the memory of such graduations.

Sec. 9. That when any vacancy shall occur in the Board of Trustees, either by death, resignation, or expulsion for cause, such vacancy or vacancies shall be filled by the selection of the remaining Trustees.

Sec. 10. That all necessary officers of said Institute shall be appointed by a majority of the Board of Trustees, viz: the faculty and minor officers; and that said officers shall always be subject to removal by the appointed power, for cause.

Sec. 11. That the salaries of all officers connected with the Institute, shall be fixed by a majority of the Board of Trustees.

Sec. 12. That the Waverly Institute shall be purely literary and scientific, and that the students of all religious denominations shall enjoy equal advantages.

Sec. 13. That this act take effect and be in force from and after its passage.

Passed, August 29th, 1856.

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## CHAPTER CCLXIX.

### An Act to Incorporate Linden Academy.

Section 1. Be it enacted by the Legislature of the State of Texas, That A. S. Chappell, John S. Blankinship, John W. Moore, J. C. McAlpine, F. J. White, D. C. Connally, Jno. Salmon, J. W. Pitkin and R. C. Graham of the county of Cass and the State of Texas be, and they are hereby constituted a

body corporate and politic, by the name and style of the Trustees of the Linden Female Academy, and as such shall be capable and liable in law to sue and be sued, to plead and be impleaded, and shall be authorized to make such by-laws and regulations as may be necessary for the government of said Academy; provided, the same shall not conflict with the constitution and laws of the State, and for that purpose may have and use a common seal and appoint such officers as they may think proper, out of their own body, and remove the same from office for improper conduct or neglect of duty.

Sec. 2. That the said body corporate and their successors in office, shall be privileged to accept of and may be invested with all manner of property, real, personal and mixed, also all donations, gifts, grants and privileges, which may be hereafter granted to said Academy or body corporate, or which may be hereafter conveyed or transferred to said Trustees or their successors in office. To have and to hold the same for the use and benefit of the said Academy.

Sec. 3. That the Board of Trustees of said Academy shall be divided by lot into three classes, the seats of the first class shall be vacated at the expiration of the first year; of the second class at the expiration of two years; and of the third, at the expiration of three years; at the expiration of each of the above periods the Board shall fill the vacancies by election; and if a vacancy or vacancies occur in either of said classes, before the expiration of their respective terms, the Board shall fill the same by election for the unexpired terms, and in all cases of expiration of terms, the old Board shall hold the offices until their successors shall be elected, and that said classification shall take place on the last Monday in November, eighteen hundred and fifty-six, and the said Trustees shall hold their seats thereafter, agreeable to said classification.

Sec. 4. That persons who may be elected to fill vacancies that may occur in the original Board, shall be subject to the classification and regulation as the original Board.

Sec. 5. That said Academy shall be forever free from the control of any particular denomination of Christians, but shall be free and open for the use of all.

Sec. 6. That said Academy shall be situate in or near the town of Linden in the county of Cass and State of Texas, and shall be purely Literary and Scientific.

Sec. 7. That the Trustees of said Academy are authorized

to grant to all students diplomas; provided, those students are found upon strict examination, to be entitled to the same.

Sec. 8. That a majority of the Trustees shall constitute a quorum for the transaction of business.

Sec. 9. And that this act take effect from and after its passage.  
Passed, August 29th, 1856.

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CHAPTER CCLXX.

An Act to incorporate the San Antonio River Navigation Company, for the purpose of making the same navigable for steamboats and other boats.

Section 1. Be it enacted by the Legislature of the State of Texas, That William Hobdy, Barton Peck, Henry Canfield, A. H. Cromwell and their associates and successors be, and they are hereby created a body politic and corporate, under the name and style of the San Antonio River Navigation company, and by that name may sue and be sued, plead and be impleaded, may purchase, receive, hold, possess, enjoy, sell, alien and transfer all kinds of property necessary for the purpose of said company, may have a common seal, make contracts, binding themselves with or without seal, and may make all by-laws, rules and regulations, necessary for their government, and the management and disposition of all affairs pertaining to said company, not conflicting with the provisions of this act, nor with the general laws of this State.

Sec. 2. Be it further enacted, That as soon after the passage of this act as convenient, the said company may meet and elect one President and five Directors as a Board of directors, whose duty it shall be to manage and direct the business of this company in the manner contemplated in this act, until their successors are elected and qualified. The directors shall have power to fill all vacancies that may occur, and the next regular election for directors shall take place on the first Monday in January, A. D. 1857, and on the first Monday in January, in each and every year thereafter. They may appoint such necessary officers, agents and subordinates as may be necessary; they may regulate and prescribe duties of such officers and subordinates, and require of them such bonds, with



such conditions as they may deem necessary for the faithful performance of their duties.

Sec. 3. The capital stock of said company shall not exceed one hundred thousand dollars, which shall be divided into shares of one hundred dollars each; one share shall entitle the owner thereof to one vote.

Sec. 4. The said company shall have the right and be empowered to remove all and any obstructions to the navigation of the San Antonio river, both above and below its junction with the Guadalupe river, so as to improve the same, and render the said river navigable for steamboats from the Bay up to the confluence of the said rivers, and from that point as far up the San Antonio river as practicable, and for that purpose to cut down and remove any trees or other obstructions in the bed or upon the bank of said river, either above or below its junction, with the Guadalupe river. They shall also have the right to navigate the said river San Antonio with steamboats and other boats, as they may deem expedient from the bay to the falls below Goliad, or as far up the said river as said boats can ascend.

Sec. 5. The said company shall, for and during the term of twenty-five years, from and after the passage of this act, have the exclusive right, power and privilege to demand, collect and receive from each and every steamboat, flat-boat, and other boat that may navigate the San Antonio river, tolls not exceeding fifty cents per ton, Custom-house measurement for each trip or passage made by them up the said river, and for each trip or passage made down the same; provided, that the said company shall have previously and within eighteen months after the passage of this act, so far removed the obstructions to navigation in the San Antonio river, above and below its junction with the Guadalupe river, so as to render the same navigable for light draught steamboats from the bay to the falls, in the San Antonio river, near and below the town of Goliad, and shall also have placed one or more steamboats upon the said San Antonio river, and run the same regularly between the mouth of the San Antonio river, where it disembogues into the bay below its junction with the Guadalupe river, and the falls below Goliad when practicable. And further provided, that said company shall not have the right to demand any tolls from any boats ascending the Guadalupe river; and further provided, that the Congress of the United States shall consent to the provisions of this act. Provided,

that nothing in this act shall be so construed as to allow this company to charge toll on any boat ascending or descending the Guadalupe river, above or below its junction with the San Antonio river; provided further, that upon the passage of this act, the San Antonio river, above its junction with the Guadalupe river, shall not be entitled to any benefits arising from the act making appropriations for the improvements of the navigation of the rivers and other navigable waters of Texas.

Sec. 6. That the said company shall be compelled to go to the town of Goliad with their boats every trip, as soon as the falls below Goliad shall have been removed, and the said river made navigable to Goliad for steamboats.

Sec. 7. That the State of Texas shall at any time have the right to purchase of the said company, the privileges conferred by this act upon paying to said company the amount of money actually expended by them in the improvement of the navigation of the San Antonio river, as hereinbefore specified, and the additional amount of ten per cent per annum, upon the sums expended.

Sec. 8. That this act take effect and be in force from and after its passage.

Passed, August 29th, 1856.

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## CHAPTER OCLXXI.

An Act to incorporate the town of Waco, in McLennan county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the town of Waco, in the county of McLennan, be and the same is hereby incorporated, and that the corporate limits of said town shall be as follows, to wit: commencing on the west margin of the Brazos River, at a point two hundred yards below the upper or north-western boundary line of the tract of land at present owned and occupied as a homestead by W. M. Goode, thence south 45° west to Waco Creek, thence along the northern margin of said Creek to a point which is south 45° east of the eastern corner of farming lot number twenty-six as laid out on the plat or map of said town, thence north 45° west to the northern corner of said lot, (number twenty-six,) thence south 45° west and on the dividing line between said lot twenty-six and lot number twenty-

five to a central point on said line, thence north 45° west through lot number twenty-five to the western corner of lot number eighteen and along the dividing line between lots number eighteen, and twenty, and seventeen, and nineteen, and forty-three, and forty-four, to the lower or south-eastern boundary line of the tract of land at present owned and occupied as a homestead by Thomas H. Barrow, thence north 45° east along said line to the northern corner of lot number forty-three, thence north 45° west to the upper or northwestern boundary line of a tract of land sold and conveyed on the twentieth day of September, A. D. 1852, by W. B. Walker and A. C. Walker, his wife, to F. W. Harris, thence along said line to the Brazos river; thence down the west margin of said river to the commencing point, and the territory comprised with the above described bounds and limits shall constitute the town of Waco.

Sec. 2. That within ninety days from and after the passage of this act it shall be the duty of the Sheriff of McLennan county to hold an election in said town for one Mayor, one town Marshal and four Councilmen of said town, giving at least ten days' notice in writing, at three of the most public places in said town, of the time of holding such election; said election shall be holden under the inspection of said Sheriff and two freeholders of said town to be appointed by said Sheriff, and shall in all other respects be conducted conformably, and be subject to the election laws of this State. The Mayor and town Marshal chosen at such election shall hold their respective offices for the term of two years from and after the first Monday in May, A. D. 1856, and until their successors are duly qualified; and the Councilmen chosen at said election shall hold their respective offices for one year from and after the first Monday in May, A. D. 1856, and until their successors are duly qualified, and the general election for said offices of said town shall hereafter be holden in the same manner and for the like tenure, biennially for the Mayor and town Marshal, and annually for the four Councilmen, on the first Monday in May. Said Sheriff shall be returning officer of the first and all subsequent elections, as aforesaid, in said town, and shall within three days after any election give to the successful candidates a certificate of election. And should the Sheriff, at the first or at any subsequent election, fail or refuse to act in any manner as is herein above directed and required the duties thus assigned him, or any of

them, may upon the application of any two freeholders of said town, be discharged by any Justice of the Peace of McLennan county, at any time within forty days from the stated time of holding such election.

Sec. 3. That no person shall hold the office of Mayor, town Marshal or Councilman of said town unless he be a citizen of the United States and of this State, a freeholder or householder in said town and shall have resided therein for twelve months next preceding this election, nor shall any person be entitled to a vote for any officer of said town, unless he shall have been a householder or property holder in said town for the term of three months.

Sec. 4. That the said officers heretofore enumerated shall, before they enter upon the discharge of their respective duties, and within ten days after their election, take and subscribe the oath required by the Constitution. The Councilmen shall meet within fifteen days after the first election. The Mayor shall preside over the deliberations of the Council as President; and in his absence the Council shall select from its own members a President *pro tem*. They shall be styled the "Mayor and Council of the town of Waco." A majority of the members of the Council, or any two members with the Mayor, shall constitute a quorum for transacting business.

They shall regulate the time of their own meetings, but they may be called together at any time by the Mayor. They shall within six months after the first election, divide the said town into four wards, having a regard in such division, as much as may be convenient and practicable, to an equality of population in each ward, and in all subsequent elections thereafter for Councilmen, one member of the Council shall be chosen from each of the four wards, and shall be an inhabitant of the ward for which he is chosen. The boundaries of the said wards may be afterwards extended or altered at the pleasure of the Council. All vacancies in the town Council shall be filled by the remaining members if there be a majority in office; otherwise an election shall be held as hereinbefore directed.

Sec. 5. That the said Mayor and Councilmen be and they are hereby declared to be a body corporate and politic in name and in fact, by the name and style of the "Mayor and Council of the town of Waco," and by that name they and their successors shall have perpetual succession, and enjoy to the use of them and their successors real estate in fee simple or

lesser interest, and the same to lease and release, sell, alien and convey, and all manner of chattels and personal estate to purchase, take, receive and hold, and enjoy, and the same to otherwise sell and dispose of; provided, that the value of all the property owned by said corporation shall not exceed in value twenty thousand dollars. By the same name they and their successors shall be liable in law to sue and be sued, plead and be impleaded in all manner of suits or actions; to have and to use a common seal and to alter the same at pleasure, and to do all other acts and things which are incident to municipal bodies corporate. They shall have power to submit a proposition of a tax to be levied upon the real and personal property situated in said town annually, on the first Monday in January in every year, to the householders and property holders who are entitled to vote in the elections for the corporation officers, and if a majority of said electors shall vote for the tax proposed, then they shall have the power to levy and collect the tax in such mode and manner as the Mayor and Council shall direct; they shall have power to make such by-laws, ordinances and regulations in writing, not inconsistent with the Constitution and laws of this State, as to them shall seem necessary for the well being, good order, health and prosperity of said town, and the same to put in execution, revoke, alter or amend as to them shall seem expedient; they shall elect a town Recorder or Clerk, and shall have power to appoint and nominate all officers not heretofore specified that they may deem fit and necessary for carrying into effect their laws, ordinances and regulations, and to suspend, revoke or remove any officer by them appointed; to require of the Assessor and Collector, Treasurer and other officers of said town to give bond for the faithful discharge of their duties, which duties so far as they are not herein prescribed, they are hereby authorized to define; they shall have exclusive power to establish and regulate patrols in their corporate limits, to lay out, open and repair such streets as they may think necessary; to regulate markets and to erect a market-house.

Sec. 6. That the Mayor and Council of said town shall have power and authority to levy and collect a corporation tax upon any person or firm who may be engaged in the occupation of selling any spirituous, vinous, or other intoxicating liquors in quantities less than a quart, and upon any merchant or trader who may be engaged in selling at wholesale or retail

any goods, wares, or merchandize. And upon all tables on which games are played which are licensed now by law, which are kept and used within the corporate limits of said town. they shall also have the power to levy and collect a corporation tax upon any person who shall pursue within the limits of said town, the business and occupation of an auctioneer, or hawker, or pedlar.

Sec. 7. That it shall be the duty of the said Mayor to preserve order and decorum in the Council, and for that purpose he may exercise all the power and authority of a Justice of the Peace while sitting in open Court, and shall perform such other duties as are usual for presiding officers of incorporated towns. He shall make proclamations in writing, at three of the most public places in said town or in some newspaper published in said town, of all by-laws, ordinances and regulations of a public nature enacted by the Council, and no such by-laws, ordinances or regulations shall take effect until the expiration of five days from and after such proclamation. He shall have power in the name of the said corporation to issue his summons or warrant returnable instantor or at a specified time, to bring before him any person whom he knows or is informed has violated any by-law, ordinance or regulation of said corporation, and upon due examination and conviction to inflict upon such person so offending any fine or pealty which shall have been prescribed for a violation of such by-laws, ordinances or regulations. Provided, that such fine shall not exceed twenty-five dollars for each separate and distinct offence. He shall receive the same fees and emoluments that are allowed to Justices of the Peace, and such other compensation as the Council may allow. In case of a vacancy in the office of the Mayor, if the unexpired term of service be for a shorter time than one year, in such case the town Council shall fill the vacancy by electing some citizen of said town, but if the unexpired term of service be for a longer time than one year, in such case the vacancy shall be filled by an election ordered, held and conducted as hereinbefore directed.

Sec. 8. That it shall be the duty of the town Marshal to attend all sittings of the Council and of the Mayor, and to perform such other duties as from time to time may be enjoined by the corporate authorities of said town. He shall possess all the power and authority, and perform all the duties in said corporation that are required by law of Constables, and he alone shall be authorized to execute and return any

process issuing from the Mayor of said town. He shall be entitled to receive for his services the same fees as are allowed Constables by law, and such other compensation as the Council may allow; and in case of a vacancy in the office of town Marshal, the same provisions that are hereinbefore made applicable in case of a vacancy in the office of Mayor, shall apply to such vacancy in said office.

Sec. 9. That the corporate authority of said town shall be limited in all contracts for or on account of said corporation, in any year, to the amount of revenue raised in said town in such year, and they shall in no case have power to bind said town, or make it liable for any contract which they may make exceeding the yearly revenue thereof, or to impose any extra or special tax to meet the same, unless they be thereto authorized by the vote of two-thirds of the qualified electors residing in said town, at an election called and held for that purpose; in which case they shall have power so to do; and they are hereby authorized to order such election, if they shall deem it necessary.

Sec. 10. That this act shall take effect and be in force from and after its passage.

Passed, August 29th, 1856.

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## CHAPTER CCLXXII.

An Act to amend an act entitled "an act to incorporate the Chapell Hill Male and Female Institute," approved February 9th, 1852.

Section 1. Be it enacted by the Legislature of the State of Texas, That the title of said act be amended so as to read as follows, to wit: An Act to incorporate the Chappell Hill Female College.

Sec. 2. That the first section of said act be so amended as to read as follows, to wit: that R. J. Swearingen, W. L. Tunstall, Wm. Keesee, Arthur A. Hammond, Thomas Wooldridge, E. D. Little, T. J. Jackson, T. B. White, William Chappell, W. B. Trayuham and Wm. A. Browning and their successors in office be and they are hereby constituted a board of Trustees for a Female College in or near the town of Chappell Hill, in Washington county, to be known as the "Chap-

pell Hill Female College," by which name they may sue and be sued, plead and be impleaded, buy, sell and hold property, real, personal and mixed; the said Trustees may have and use a common seal for the transaction of its business.

Sec. 3. That this act shall take effect from its passage.

Passed, August 29th, 1856.

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## CHAPTER CCLXXIII.

### An Act to incorporate the Houston Academy.

Section 1. Be it enacted by the Legislature of the State of Texas, That Benjamin A. Shepherd, William J. Hutchins, P. W. Gray, William M. Rice, Cornelius Ennis, T. W. House, Henry Sampson, A. J. Burke and M. D. Konklin and their associates and successors in office be, and they are hereby incorporated and created a body politic and corporate by the name and style of the Houston Academy, for the purpose of establishing and maintaining an institution of learning in the city of Houston, with the right to sue and be sued, plead and be impleaded, to buy, sell and hold property, real, personal and mixed, not to exceed one hundred thousand dollars in value, and shall be invested with all the right, powers, privileges and immunities belonging to and incident to aggregate corporations and institutions of learning, with the power to make such by-laws and regulations as they may deem necessary for the control and management of said institution, and may have a common seal which may be altered and used at pleasure in accordance with this act.

Sec. 2. That a majority of said Board of Trustees shall have power to transact all business pertaining to said Institution, to fill vacancies in their own body—grant diplomas, confer honorary degrees, and may provide for the election of their successors in office, in such manner as they may deem proper.

Passed, August 29th, 1856.



## CHAPTER CCLXXIV.

An Act for the relief of Patsey Kitchens, Elizabeth Smith and Francis L. Blanton.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Patsey Kitchens, a certificate for one league and labor of land, and to Elizabeth Smith, a certificate for twelve hundred and eighty acres of land, and to Francis L. Blanton, a certificate for six hundred and forty acres of land, which certificates may be located, surveyed and patented as in other cases.

Sec. 2. That this act take effect from and after its passage.  
Passed, August 29th, 1856.

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## CHAPTER CCLXXV.

An Act for the relief of Patrick O'Donnell.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Patrick O'Donnell, a certificate for three hundred and twenty acres of land, to be located, surveyed and patented according to law. And that this act take effect and be in force from and after its passage.

Passed, August 29th, 1856.

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## CHAPTER CCLXXVI.

An Act for the relief of John A. Robb.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to John A. Robb, his heirs, assignees or legal representatives, a certificate for three hundred and twenty acres of land. And that this act take effect and be in force from and after its passage.

Passed, August 29th, 1856.

CHAPTER CCLXXVII.

An Act for the relief of Joseph Morrison.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Joseph Morrison, a headright certificate for twelve hundred and eighty acres of land, which may be located, surveyed and patented according to law. And that this act take effect from its passage.

Passed, August 29th, 1856.

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CHAPTER CCLXXVIII.

An Act for the relief of Thomas Beaty.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue a patent to Thomas Beaty, on his unconditional headright certificate No. 174, for six hundred and forty acres of land. And that this act take effect from and after its passage.

Passed, August 29th, 1856.

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CHAPTER CCLXXIX.

An Act for the relief of Solomon Wideman.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office issue to Solomon Wideman a land certificate for three hundred and twenty acres of land. And that this act take effect from its passage.

Passed, August 29th, 1856.

## CHAPTER CCLXXX.

## An Act for the relief of Schuyler B. Skidmore.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Schuyler B. Skidmore, a certificate for three hundred and twenty acres of land, to be located, surveyed and patented according to law. And that this act take effect from and after its passage.

Passed, August 29th, 1856.

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## CHAPTER CCLXXXI.

## An Act for the relief of Willis Collins, Thomas Hughes, J. N. Curry and Rufus K. Hosmer.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be and he is hereby required to issue to Willis Collins, a certificate for three hundred and twenty acres of land; to Thomas Hughes, a certificate for twelve hundred and eighty acres of land; to J. N. Curry, a certificate for three hundred and twenty acres of land; to Rufus K. Hosmer, a certificate for one-third of a league of land, to be located, surveyed and patented as other land certificates; provided, it shall appear that these parties have never received head-rights. And that this act take effect and be in force from and after its passage.

Passed, August 29th, 1856.

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## CHAPTER CCLXXXII.

## An Act for the relief of Eli Mitchell.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Treasurer of this State be, and he is hereby authorized and required to pay to Eli Mitchell the sum of two hundred and sixty dollars, out of any money in the Treasury not otherwise appropriated. And that this act take effect from and after its passage.

Passed, August 29th, 1856.

CHAPTER CCLXXXIII.

An Act for the relief of H. J. De Witt, Josiah De Witt and the heirs and legal representatives of Thomas P. Fowle.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to H. J. De Witt a certificate for six hundred and forty acres of land; to Josiah W. De Witt, a certificate for three hundred and twenty acres, and to the heirs and legal representatives of Thomas P. Fowle, a certificate for one-third of a league of land, to be located and patented as in other cases provided. And that this act take effect and be in force from its passage.

Passed, August 29th, 1856.

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CHAPTER CCLXXXIV.

An Act for the relief of the heirs of John B. Adams and Ann Adams.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office shall issue to the heirs of John B. Adams and Ann Adams, a certificate for one league and labor of land, and that the said certificate, when issued, shall have all the rights pertaining legally to land certificates; provided, said party has not received any certificate.

Sec. 2. That this act take effect and be in force from and after its passage

Approved, August 29th, 1856.

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CHAPTER CCLXXXV.

An Act for the relief of certain persons therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Grego-

rio Soto, a certificate for one-third of a league of land; to Jose Antonio De Montes, a certificate for three hundred and twenty acres of land; to Jose Maria Montes, a certificate for three hundred and twenty acres of land; to Wm. G. Cannon, a certificate for three hundred and twenty acres of land, all of which may be located, surveyed and patented as other headright certificates; provided, that the said parties have never received a headright from the Republic or State of Texas.

Sec. 2. That this act take effect from and after its passage.

Passed, August 29th, 1856.

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#### CHAPTER CCLXXXVI.

##### An Act for the relief of Edward F. Stansbury.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby required to issue to the heirs of Edward F. Stansbury, a certificate for three hundred and twenty acres of land, which may be located, surveyed and patented as in other cases. And that this act take effect from its passage.

Passed, August 29th, 1856.

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#### CHAPTER CCLXXXVII.

An Act granting to Jeremiah H. Halford the privilege of constructing a Toll Bridge across the East Fork of the Trinity River, at the place known at Halford's Spanish Oak Ridge in Dallas county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the privilege is hereby granted to Jeremiah H. Halford, and he is hereby authorized to construct a toll bridge across the East Fork of the Trinity River, at a place known as Halford's Spanish Oak Ridge in Dallas county, on the road leading from the town of Dallas in Dallas county, to the town of Kaufman, in the county of Kaufman, making the road good and passable at all times from hill to hill.

Sec. 2. That the bridge contemplated to be built by this act, shall be made and completed within eighteen months, from and after the passage of this act, and that the privilege hereby granted shall extend and inure to the said Jeremiah H. Halford or his assigns until the expiration of twenty years from the date of the passage of this act.

Sec. 3. That whenever said Bridge shall have been constructed made and completed, and shall have been examined, and reported in good order and repair, by the commissioners appointed for that purpose in the manner prescribed by this act, the proprietor may demand of the County Court of Dallas county, and it is hereby made their duty to issue to him a license to receive toll at such rates as they may deem right and proper.

Sec. 4. That the County Court of Dallas County shall appoint two commissioners, on the application of the proprietor of said toll bridge citizens of said county, whose duty it shall be to examine said Bridge, and if found to be completed in good order, and safe for travel they shall report the same to the County Court, which report shall be sufficient authority for the proprietor to receive toll on said bridge as specified in preceding section of this act.

Sec. 5. That the commissioners appointed under the provisions of this act, shall hold their office for two years from the time of their appointment, and until their successors shall have been appointed, and it shall be the duty of said County Court to appoint commissioners biennially to examine and report at least once in every year, the condition of said bridge herein authorized to be made and constructed by said Jeremiah H. Halford for which services said commissioners shall each receive one dollar per day for the time they may be necessarily employed in the discharge of the duties herein imposed upon them, to be paid by the proprietor for time being for such privilege.

Sec. 6. That whenever said bridge hereby authorized to be made shall be found to be out of repair, and in bad order, the toll gate shall be opened until such bridge shall have been repaired and examined by the commissioners appointed as herein provided for, and that no bridge or ferry shall be established within three miles of the bridge herein established.

Sec. 7. That this act take effect from and after its passage.

Passed, August 29th, 1856.

## CHAPTER CCLXXXVIII.

## An Act for the relief of David Cook.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to David Cook a land certificate for six hundred and forty acres of land, which may be located, surveyed and patented as other land certificates provided that the said Cook, shall file a release receipting the State of Texas in full of all claims against the State for supplies furnished the army during her struggle for Independence.

And that this act take effect and be in force from and after passage.

Approved, August 30th, 1856.

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## CHAPTER CCLXXXIX.

## An Act for the relief of the heirs of John Ragsdale.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby authorized and required to issue to the heirs of John Ragsdale, a certificate for one-third of a league of land, which may be located and patented as other certificates: Provided, that the Commissioner shall not issue said certificate if there be any evidence in his office of the said John Ragsdale having received a certificate.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved, August 30th, 1856.

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## CHAPTER CCXC.

## An Act for the relief of the heirs and legal representatives of Debby Morris, dec'd.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby authorized and required to issue to the heirs

or legal representatives of Debby Morris, deceased, a certificate for one league and labor of land, and the same can be located and patented as other head right certificates.

And that this act take effect and be in force from and after its passage.

Approved, August 30th, 1856.

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#### CHAPTER CCXCI.

An Act for the relief of William Foreman and John Little.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Colony certificate No. 27, issued in Peters' Colony on the fifth day of April 1852, is hereby legalized, and the Commissioner of the General Land Office is required to issue a patent thereon, and the Commissioner of the General Land Office shall issue to John Little three hundred and twenty acres in a certificate, as the balance due him as a Colonist of Peters' Colony, which certificate when issued shall be located as other Colony certificates, and be as valid in law as any other.

Sec. 2. That this act shall take effect from and after its passage.

Approved, August 30th, 1856.

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#### CHAPTER CCXCII.

An Act for the relief of the heirs of Susan Latham.

Section 1. Be it enacted by the Legislature of the State of Texas, That the ommissioner of the General Land Office shall issue to the heirs of Susan Latham a certificate for one league and labor of land, which when issued shall have all the rights pertaining to land certificates.

Sec. 2. That this act take effect from and after its passage.

Approved, August 30th, 1856.



## CHAPTER CCXCIII.

An Act for the relief of the heirs of William McFadden.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office shall issue to the heirs of William McFadden a certificate for one league and labor of land and that said certificate shall be entitled to all the right pertaining to legal certificates, provided no certificate has been heretofore issued.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved, August 30th, 1856.

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CHAPTER CCXCIV.

An Act for the relief of the assignees of Jose Maria Mora.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is authorized and required to cancel patent number 557, volume 2d, issued to Jose Maria Mora, dated April 1st, 1845, for one league and labor of land in Houston District, and return the original certificate to the owners to be relocated elsewhere and patented as in other cases; the patent fees and dues paid on said cancelled patent to be applied to any patent that may hereafter be issued on said certificate. Provided, that before cancelling said patent the owners of said headright shall execute a release to the State of all their title and claim under said patent No. 557, and after having such release recorded in the counties of Anderson and Henderson shall file it in the General Land Office.

Sec. 2. That this act shall take effect and be in force, from and after its passage.

Approved, August 30th, 1856.

CHAPTER CCXCV.

An Act for the relief of James T. Cadenhead.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to James T. Cadenhead an unconditional certificate for twelve hundred and eighty acres of land, to be located, surveyed and patented upon any of the unappropriated public domain.

Sec. 2. That this act take effect from and after its passage.

Approved, August 30th, 1856.

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CHAPTER CCXCVI.

An Act for the relief of Mercer Fain, Sen., and William M. Hewett.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of public accounts be, and he is hereby required to draw his drafts on the Treasurer for forty dollars in favor of William M. Hewett, and one in favor of Mercer Fain, Sen., for thirty dollars, which shall be paid out of any money in the Treasury not otherwise appropriated.

Sec. 2. This act shall take effect from and after its passage.

Approved, August 30th, 1856.

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CHAPTER CCXCVII.

An Act for the relief of Samuel Washburn, dec'd.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to the heirs of Samuel Washburn, deceased, a certificate for thirty-three hundred and twenty-five acres of land, which, when located, may be patented as other headright certificates.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved, August 30th, 1856.

## CHAPTER CCXCVIII.

An Act for the relief of the legal representatives of Solomon R. Peck, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be, and he is hereby authorized and required to draw a draft upon the Treasurer in favor of the legal representatives of Solomon R. Peck, deceased, for the sum of two hundred and fifteen dollars, for supplies furnished the Army of Texas, by said Peck in the year 1836. And that the Treasurer pay the same upon the presentation of said draft, by the person entitled to receive the same: Provided, the same has never been paid.

Sec. 2. That the sum of two hundred and fifteen dollars be, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the payment of the draft mentioned in the first section of this act.

Sec. 3. That this act take effect from and after its passage.

Approved, August 30th, 1856.

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CHAPTER CCXCIX.

An Act to incorporate the Sabine and Galveston Bay Railroad and Lumber Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That William Fields, A. M. Gentry, William P. Herring, George W. Smyth and William Smith, their associates and successors be, and are hereby appointed Commissioners to open books and receive subscription to the capital stock of a corporation to be styled the "Sabine and Galveston Bay Railroad and Lumber Co.," but they shall receive no subscription to said capital stock, unless five per cent thereof, in cash, shall be paid to them at the time of subscribing; and should they receive subscriptions to said stock, without such payment, they shall be personally liable to pay the same to said corporation when organized. A majority of said Commissioners shall constitute a quorum to do business, and they may hold their meetings at such times and places as a majority shall designate: provided, that public notice of all such meetings shall be given by publication in some newspa-

per printed in Liberty county, at least sixty days before any such meeting.

Sec. 2. That the subscribers to said capital stock, whenever they shall have elected directors in the manner hereinafter provided, shall be and they are hereby created and established a body corporate and politic, under the name and style of the "Sabine and Galveston Bay Railroad and Lumber Co.," with capacity in said corporate name to make contracts, to have succession and a common seal, to make by-laws for the government and regulation of the said company, to sue and be sued, to plead and be impleaded, to grant and receive and generally to do and perform all such acts as may be necessary and proper for or incident to the fulfillment of its obligations, for the maintenance of its rights under this act, and in accordance with the Constitution and laws of the State.

Sec. 3. That the capital stock of said corporation shall be two millions of dollars, and it shall have power to increase the same to three and a half millions of dollars. The said corporation shall be and is hereby invested with the right of locating, constructing, owning and maintaining a railroad, commencing at a point on the Sabine river, at or near the town of Madison, in Orange county, and running thence west to the tide water of Galveston Bay, which said Western terminus shall not be north of the town of Liberty or south of Smith's point, as surveys may determine to be most practicable, crossing the Neches river at or near the town of Beaumont, in Jefferson county, and to make, own and maintain such sidings, turnouts and depots, bridges, docks, wharves, steamers and barges, as it may deem necessary and expedient for the transaction of its business.

Sec. 4. That the capital stock of said company shall be divided into shares of one hundred dollars each, each share entitling the owner thereof to one vote, in person or by proxy, at all meetings of the company, and the shares shall be deemed personal estate, and shall be transferable by any conveyance in writing, recorded either by the Treasurer in books kept by him for that purpose at his office, or by any other officer duly authorized by the directors, in books kept by him at such other place as the directors may appoint; such transfers as are recorded in any other place, being within ninety days, communicated to the Treasurer and by him entered on his books.

Sec. 5. That the immediate control and direction of the affairs of said corporation, shall be vested in a board of not

less than five directors; said directors shall elect one of their number to be President of the company; whenever two hundred thousand dollars of the capital stock of said corporation shall have been subscribed, and five per cent thereof shall have been paid to the Commissioners hereinbefore named, they shall cause an election to be held by said subscribers, at the town of Liberty, in Liberty county, for not less than five directors, having first given public notice of the time of said election, in some newspaper published in said county, after which the said Commissioners shall account for and pay over to said directors, all such sums as they shall have received of the capital stock of said company, first deducting a reasonable compensation for their services as Commissioners. No person shall be eligible to the office of director, unless he be a subscriber or owner of at least three shares of the capital stock; the directors shall have the power to fill any vacancy in their body arising from non-election or other cause; they shall have power to appoint a Clerk, Treasurer or any other officers or agents as they may deem necessary, and prescribe and require bonds for the faithful performance of their duties; they may make all necessary rules and regulations for holding of meetings, and all other things they may deem proper, for the carrying out the provisions of this charter and business of the company; they shall keep or cause to be kept, correct records of all meetings of the directors and company, and accurate books and accounts of the receipts and expenditures of the company, and all other books and accounts necessary and proper to be kept by such company, which books shall be open to the inspection of the stockholders; a majority of the board of directors shall have the power of a full board, and all conveyances and contracts executed in writing, signed by the President and countersigned by the Treasurer or any other officer duly authorized by the directors, under the seal of the company, and in pursuance of a vote of the directors, shall be valid and binding.

Sec. 6. That the directors shall have power to receive further subscriptions to the capital stock of said corporation, from time to time until the full amount thereof shall have been subscribed; but five per cent of all such subscriptions shall be paid in cash at the time of subscribing, and the directors shall be personally liable to said company for five per cent of all subscriptions that they may receive to said capital stock, without such payment; provided, however, that said com-

pany may, by the vote of a majority of the stockholders, cause certificates of stock to be issued in payment of any debt contracted for the construction or equipments of their road, and any agreement in writing whereby any person shall become a subscriber to the capital stock of said company, shall be enforced against him according to its terms. If any subscriber shall fail to pay any amount due upon shares subscribed for by him, according to the terms of his subscription, the directors may, after twenty days public notice, sell at public auction, the shares subscribed for by said delinquent, and transfer to the purchaser of such shares; if the proceeds of sales shall not be sufficient to pay the amount due with interest and charges, such delinquent shall be held liable to the company for the deficit, and if the proceeds shall not exceed the amount so due, with interest and charges, he shall be entitled to the surplus.

Sec. 7. That it shall be lawful for the company to purchase and hold any land that may be necessary for the purpose of locating, constructing and maintaining said railroad with all necessary depots and other buildings, and by their engineers or agents, enter upon and take possession of all such lands as may be necessary for the locating, constructing and maintaining said railroad, and if they shall not be able to obtain such lands by agreement with the owner, they shall pay for the same such amount as shall be determined in the manner provided for in the following section; the land so taken for the railroad, shall not exceed two hundred feet in width, and for depots and buildings only such further width as may be necessary.

Sec. 8. That any person from whom lands have been taken for the purposes set forth in the preceding section, may apply to the District Court of the county wherein said lands are situated for the appointment of appraisers, and said court, after proof that the President or other officers of the company has been served with a notice describing the land, ten days before the holding of the court, the court shall thereupon appoint three disinterested freeholders, citizens of the county, who shall appoint a time and place to hear the application, and the company to whose agent or president a reasonable notice shall be given by the court of said time and place, and said freeholders being sworn, shall, after hearing the parties, determine the amount of compensation as aforesaid, and make return of their award to said court at its next term, and said award may

be confirmed or for any sufficient reason rejected by said court in the same manner as awards by arbitrators under a rule of court, and if confirmed by the court, judgment shall be rendered thereon as in other cases. In determining the amount of compensation to be paid as aforesaid; freeholders shall be governed by the actual value of the land at the time it was taken, taking into consideration the benefit or injury done to other neighboring lands of the owner, by the establishment of said railroad, if in any case the amount found by the arbitrators shall not exceed the sum proved to have been offered by the company to the owner, prior to his application to the court, the owner shall pay the costs of proceedings, otherwise the company shall pay the same.

Sec. 9. That the said company shall have power to borrow money on their bonds or notes at such rates as the directors deem expedient; provided, however, that nothing in this act shall be construed to confer banking privileges of any kind.

Sec. 10. That upon the written request of one-fourth of the stockholders, the President of the company shall call a special meeting of the directors, and upon the written demand of three-fourths of the stockholders, the President shall remove any one or the whole of the directors, and order a new election within thirty days, which directors so elected shall hold their offices until the time prescribed for the next regular election.

Sec. 11. That said company shall commence work within one year after the passage of this act, and shall complete a section of twenty-five miles of their road within two years thereafter, or this charter shall be null and void.

Sec. 12. That a majority of the directors of this company shall be citizens of this State, and that their principal officers shall be in the State of Texas, and further, that all elections for officers of the company shall be held at the place where said office is located.

Sec. 13. That the company is hereby required at all reasonable times, and for a reasonable compensation, to draw over their road the passengers, merchandize and cars of any other railroad corporation, which has been or may hereafter be authorized by the Legislature to enter with their railroad and connect with the railroad of this company, and if the respective companies shall be unable to agree upon the compensation aforesaid, it shall be the duty of the President of each company to select each, one man as a Commissioner, and the

two Commissioners so selected, shall choose a third, in case of disagreement, neither of whom shall be a stockholder in either road, or interested therein, and they shall fix the rates, which shall not be changed for one year from the time of going into effect; the said Commissioners shall also fix the stated periods at which said are to be drawn as aforesaid, having reference to the convenience and interests of said corporation, and the public who shall be accommodated thereby, the right or power is specially conferred on this company to connect and contract with any railroad heretofore or hereafter chartered for the performance of like transport, and in case of disagreement between companies, the same shall be referred and settled as aforesaid, to be binding for one year as aforesaid.

Sec. 14. That this act of incorporation shall expire in ninety years, unless it shall be renewed or extended.

Sec. 15: That this company shall be subject to the provisions and be entitled to the benefits of any general laws which have been or may be enacted by the State, regulating or encouraging the construction of railroads. And that this act take effect from its passage.

Passed, September 1st, 1856.

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#### CHAPTER CCC.

An Act for the relief of W. H. Mayo, C. F. Whittington and M. S. Clare.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be, and he is hereby authorized and required to audit and allow the claim of W. H. Mayo, C. F. Whittington and M. S. Clare, for forty-two dollars, for expenses incurred by them in arresting and delivering to the Sheriff of Washington county, Simon Dozier, charged with the crime of murder, and that the Treasurer pay the same out of any money in the Treasurer not otherwise appropriated.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed, September 1st, 1856.



## CHAPTER CCXI.

## An Act for the relief of James R. Jenkins.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby required to issue to James R. Jenkins, a certificate for six hundred and forty acres of land, which may be located, surveyed and patented according to law. And that this act take effect from its passage.

Passed, September 1st, 1856.

## CHAPTER CCCII.

## An Act to incorporate the town of Augusta.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Augusta, in Jefferson county, be, and they are hereby declared a body politic and corporate, under the name and style of the town of Augusta, and by that name may sue and be sued, plead and be impleaded, may hold and dispose of property, real and personal, and have a common seal for the transaction of its business.

Sec. 2. That the boundaries of said town, and in which said corporation shall exercise lawful jurisdiction, shall be as follows: beginning on the bank of Sabine Pass, at the mouth of small bayou, near a point on Sabine Pass, known as the English Brig Landing, running from said point North-West with the meanders of Sabine Pass, to a point on said Sabine Pass, opposite the North line of O'Bryan's lot, thence South-West two miles, thence South-East to a point distant from the beginning point two miles, thence North-East to the place of beginning at the mouth of the afore-said Bayou.

Sec. 3. That there shall be a council of said town, to consist of a Mayor and four Aldermen, who shall be elected by the qualified electors, resident within the corporate jurisdiction of said town, there shall also be elected at the same time, and in the same manner, one Recorder, one Treasurer, and one Marshal. That all the officers elected by this act shall, before they enter upon the duties of their respective offices, take and subscribe an oath before an officer authorized

to administer oaths, that they will faithfully and impartially discharge the duties of their respective offices, and the Treasurer and Marshal shall also give bond with two or more good and sufficient securities to the Mayor of said town, and his successors in office, to be approved by the Council, in said such as they may require, not exceeding two thousand dollars, conditioned to perform all the duties of their respective offices.

Sec. 4. That an election shall be held at the Court-House in said town, on the first monday in April of each and every year, for a Mayor, four Aldermen, one Recorder one Treasurer and one Marshal that the first election shall be ordered and directed by the Chief Justice of said county, as in general elections, and every subsequent election shall be ordered by the Mayor of said town, who shall have the same power given by the law regulating general elections, to the Chief Justice, so far as the same may be applicable, declare the result, and give certificates of election, when the office of Mayor may be vacant, or he shall be absent from the county or fail or refuse to perform his duty in this respect, then any two of the Aldermen may perform the said duty, and if they shall fail or refuse from any cause, then the Chief Justice of the county shall perform the same.

Sec. 5. That all officers elected by virtue of this act, shall hold their offices for the term of one year, and until their successors are elected and qualified, and when a vacancy may occur in any of said offices, an election shall forthwith be ordered to fill such vacancy, and the officers so elected shall hold their offices until the next annual election; provided, all officers elected shall hold their offices until their successors are duly qualified.

Sec. 6. That all free white males over the age of twenty-one years, who have been resident citizens of the town three months, next preceding any election, and shall have paid tax to the corporation, shall be entitled to a vote for officers of said corporation.

Sec. 7. No person shall be eligible to the office of Mayor or Alderman unless he is entitled to a vote, and the other officers to be citizens and entitled to a vote.

Sec. 8. That the Mayor shall be President of the Council, that the Mayor and three of the Aldermen shall constitute a quorum to do business, that the regular meeting of the Council shall be on the third Monday in April, July, October

and January, special meetings may be held at such other times as the Mayor may direct, in writing signed by him.

Sec. 9. The Council shall have power to enact such rules, ordinances, and regulations as they may deem proper for the government and improvement of the town, and preservation of good order in the corporate limits, provided, they shall not conflict with the Constitution and laws of the State. They shall enact rules and by-laws to regulate their own proceedings; and shall have power to enact and enforce proper police regulations; they shall have and exercise control and supervision over the public squares and streets of the town, regulate paving and cleansing of the same, regulate the markets, remove nuisances, establish the squares, streets, and side-walks of the town, and keep them in order, and for such purposes, appoint may such officers as they may deem proper, prescribe their compensation, and remove them at pleasure, and may enact penalties and forfeitures for the infraction or violation of any of the rules and ordinances, regulations or by-laws, not to exceed in any case the sum of one hundred dollars for any one offence, and they may compel all male persons over the age of seventeen years and under forty-five, residents of said town, to work on squares and streets, and they may impose such fines on defaulters, as they may deem proper, not exceeding two dollars for each days failure, and may allow any person to pay an amount of one dollar per day in lieu of labor.

Sec. 10. That the Council, at a regular meeting, shall have power to levy a tax on all real estate within the limits of said corporation, subject to taxation by the laws of this State; provided the tax of any one year shall not exceed one-fourth of one per cent ad valorem; that they may levy a poll-tax on every free male person resident in said corporation, over the age of twenty-one years and under fifty, not exceeding one-half dollar each, which tax shall be assessed and collected by the Marshal, under the same regulations as they may be applicable, and paid over to the Treasurer of the town, one copy of the assessment roll to be returned to the Council and filed by the Recorder.

Sec. 11. It shall be the duty of the Recorder to enter in a well bound book all the rules, ordinances, regulations and by-laws, and proceedings of the Council, and preserve the same, together with all papers, reports and documents filed with him, belonging to the Council, and he shall be entitled

to such compensation, as the Council may allow him for his services.

Sec. 12. That it shall be the duty of the Marshal to attend the Council in session and preserve order, to execute all writs legally issued to him by the Mayor and Council, and he shall have and exercise the same power as Constable of the county, have and exercise, execute and return said writs in the same manner as provided by law, defining the duty of Constables, and he shall be entitled to the fees allowed Constables for similar services.

Sec. 13. That it shall be the duty of the Treasurer to receive and safely keep all money of the corporation, and shall only pay the same out by order of the Council, evidenced by draft, signed by the Mayor and attested by the Recorder, and he shall make report to the Council, under oath, of the state of the finances of the corporation, from time to time as they may order.

Sec. 14. That the Mayor and each Alderman shall be conservators of the peace, and the Mayor shall have the same jurisdiction in criminal cases, misdemeanors and breaches of the peace, and shall be governed by the same laws in such cases as Justices of the peace.

Sec. 15. All suits for the recovery of fines, penalties and forfeitures, for violation of the ordinances, rules and regulations and by-laws of the Council, and for the recovery of taxes and other dues to the town, shall be instituted before the Mayor in the name of the town of Augusta, who in their disposition shall be governed by the laws organizing Justice's courts.

Sec. 16. All fines, forfeitures, penalties and demands recovered before the Mayor, shall be paid to the Treasurer of the corporation, to be applied to the use of the town.

Sec. 17. At the close of each meeting of the Council, the Mayor shall examine the entries of the proceedings of the Council, made by the Recorder, and approve the same, which shall be considered record evidence in all courts, of the acts and proceedings of the Council.

Sec. 18. The Mayor and Aldermen shall be entitled to such compensation for their services, while in session as may be allowed by the Council, not exceeding two dollars per day.

Sec. 19. If, at any meeting of the council the office of Mayor, be vacant, or be absent, unable or unwilling to attend from any cause, the Aldermen present, shall select one of their

number to act as Mayor, pro tem, and if the office of Recorder or Marshal be vacant, or be absent unable or unwilling to attend from any cause, the council shall appoint a Recorder or Marshal, pro tem.

Sec. 20. That the council, while in session, shall have power to impose fines or imprison for contempt.

Sec. 21. That all property within said Town not rendered to the Marshal by the first day of August of each year by the owners for assessment, shall be assessed by the number of lots and Block's, and the tax thereon shall be collected as other Taxes in the corporation.

Sec. 22. That it shall be the duty of the Recorder, to post up forthwith, on the Court House door a copy or copies of all rules, ordinances and regulations, for the government of the Town, and that all the books of the corporation shall be open for the inspection of the citizens, of the town at any and all times, convenient for the same, and that this act shall take effect and be in force from and after its passage.

Passed September 1st, 1856.

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#### CHAPTER CCCIII.

##### An Act for the relief of James Latham, Jr.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office issue to James Latham, Jr., a certificate for one League and labor of Land which said certificate shall have all the rights pertaining to Legal Land certificates provided that no certificate has heretofore issued.

Sec. 2. That this act shall take effect from and after its passage.  
Passed September 1st, 1856.

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#### CHAPTER CCCIV.

##### An Act to incorporate the town of Athens.

Section 1. Be it enacted by the Legislature of the State of Texas. That the citizens of the town of Athens in the county of Henderson be and they are hereby declared a body corporate

by the name and style of the corporation of the town of Athens, and by that name may sue and be sued, plead and be impleaded, and may hold and dispose of real and personal estate.

Sec. 2. That the limits of said corporation shall be one-half a mile each way North, South, East and West, from the center of the public square of said town.

Sec. 3. That an election for a Mayor and six Aldermen, a Treasurer and Constable, shall be held as soon as practicable after the passage of this act by the Chief Justice or one of the county commissioners of the county of Henderson, according to the law governing elections generally; ten days notice of such election having been first given by said Chief Justice and annually thereafter for a similar purpose, an election shall be held and conducted by the Mayor or a majority of the Aldermen acting at the time of such election and the persons elected shall continue in office one year and until their successors are duly qualified, and the annual election for Mayor, Aldermen, Treasurer and Constable shall be held at such time and place in the town of Athens as may be designated by the Board of Aldermen for the convenience of the people.

Sec. 4. That whenever a vacancy may occur in the office of Mayor a majority of the Aldermen acting shall order and conduct an election to fill the vacancy, and the person elected shall hold his office until the next regular election or until his successor be duly qualified, and in case of the death, resignation or removal of any of the Aldermen, Treasurer or Constable, the Mayor shall order an election under such rules and regulations as may be prescribed by the Board of Aldermen to fill such vacancy, every person who is a citizen of the State of Texas, and shall have resided within said corporate limits for the period of six months shall be entitled to vote at all elections for corporate officers.

Sec. 5. No person shall be eligible to the office of Mayor or Alderman or Constable, unless such persons be citizens of said town.

Sec. 6. The Mayor shall be President of the Board of Aldermen, four of the members of said Board shall constitute a quorum to transact business, said Board shall enact such by-laws for the government of said town, not inconsistent with the constitution and laws of this State, as may be deemed proper, and may impose fines for disobedience of the same not exceeding twenty dollars for each offense.

Sec. 7. The Board of Aldermen shall have and exercise control over the public square and streets of said town, and may compel all free male citizens over the age of seventeen years and under that of fifty-five to work on the same; provided, that such persons shall not be required to work more than six days in any one year and shall be exempt from other road duty in said county, and the Board may impose such fines on defaulters as they may deem necessary, in which they shall be governed by the laws of this State regulating roads.

Sec. 8. The Board of Aldermen shall have power to levy a tax on all persons and property both real and personal in said town subject to taxation by the laws of the State; provided, that the tax on property in any one year shall not exceed one-fourth of one per cent ad valorem on such property and no tax shall be levied unless by a vote of two-thirds of the members present which shall be assessed and collected by the Constable in the same manner as the State taxes are collected.

Sec. 9. The Board of Aldermen shall have power to appoint such additional officers with the regulation of their duties and compensation as may be necessary, and may require of them bond and security to the Mayor, in such sum as may be deemed necessary to compel the efficient discharge of such duties as may be assigned them.

Sec. 10. That all offences against the by-laws of said corporation shall be prosecuted before the Mayor, and the trial thereof shall be governed by the law regulating Justices Courts and the Constable shall execute and return all writs issued by the Mayor in the manner provided by the law defining the duties of Constables.

Sec. 11. The Constable shall give bond and security as required of other Constables, and shall have the same powers, and shall be entitled to the same fees for similar services.

Sec. 12. The Mayor of said town shall be entitled to such fees as are allowed to Justices of the Peace for similar services.

Sec. 13. The Aldermen, each, shall be entitled to twelve Dollars annually for their services as such.

Sec. 14. The Treasurer shall keep safely all the money of said corporation, shall pay out the same upon the order of the board, and shall do such other duty as may be assigned him by the by-laws, and shall give bond with security payable to the Mayor in such sum as may be deemed proper, conditioned for the faithful performance of his duties, to be approved by

the Board, and shall be allowed such compensation as may be specified by the Board, not to exceed two and one-half per cent for receiving, and two and one-half per cent for disbursing the funds.

Sec. 15. That the Mayor be and he is hereby vested with all the power and jurisdiction of a justice of the Peace within the limits of said corporation, both civil and criminal.

Sec. 16. The books and records of the corporation shall at all times be open for examination of any of the citizens of said town.

Sec. 17. That the Board of Aldermen shall have power to enact all such laws and ordinances that may be for the good of society and for the quiet, peace and happiness of the citizens of said corporation, not inconsistent with the constitution and laws of the State of Texas.

Sec. 18. That this act take effect from and after its passage.

Passed, September 1st, 1856.

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## CHAPTER CCCV.

An Act for the relief of Fenton M. Gibson and William Oldham.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of Public Accounts be, and he is hereby authorized and required to issue his warrant on the Treasurer in favor of Fenton M. Gibson, for seventeen hundred and ninety-six dollars and sixty-seven cents for balance of pay due said Gibson for services as Quarter Master on the Mier Expedition, and said warrant when so issued shall be paid by the Treasurer out of any monies in the Treasury not otherwise appropriated.

Sec. 2. That the Comptroller of the State of Texas be, and he is hereby authorized and directed to draw his warrant in favor of William Oldham, for the pay to which he is entitled as paymaster in Col. Cooke's Regiment in the somerville campaign in the year 1842, and 1843, deducting the amount already received by him as a private in said campaign, and that the Treasurer of the State is authorized and directed to pay the same out of any moneys in the Treasury not otherwise appropriated. And that this act take effect from its passage.

Passed, September 1st, 1856.



## CHAPTER CCCVI.

## An Act to incorporate Concrete College.

Section 1. Be it enacted by the Legislature of the State of Texas, That a school of learning, consisting of male and female departments, be and the same is hereby established at the town of Concrete, in DeWitt county, to be known as the "Concrete College."

Sec. 2. That there shall be five Trustees of said College to take charge of and superintend its interest, and a majority of whom shall constitute a quorum to do business.

Sec. 3. That the following named persons be, and they are hereby declared to be the Trustees of said College, to wit: J. M. Baker, F. M. Taylor, Josh Stevens, J. R. North and F. J. Lynch, and they are hereby constituted a body politic and corporate, in deed and in law, by the name of the "President and Trustees of Concrete College," and by that name they and their successors may and shall have perpetual succession and be able and capable in law to receive, have and enjoy to them and their successors lands, tenements, hereditaments of any kind, in fee for life, or for years, and personal property of any kind whatsoever, and all sums of money which may be given, granted or bequeathed to them for the purpose of promoting the interest of said College, to the amount of fifty thousand dollars

Sec. 4. That there shall be a stated meeting of the Board of Trustees in each year, at the time of conferring degrees, and that the President of said Board of Trustees shall have full power to call an occasional meeting of the Board whenever it shall appear to him necessary, and a majority of the Board shall have authority to call occasional meetings whenever they shall deem it necessary to do so.

Sec. 5. That the Trustees of said College may and shall have a common seal for the business of themselves and their successors, with liberty to alter or change the same from time to time as they shall think proper, and that by their aforesaid name they and their successors may and shall be able to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all the Courts of law and equity in this State, and to grant, bargain and sell or assign any lands, tenements, goods or chattels now belonging to said College, or that may hereafter belong to the same; to construct all the

necessary buildings for said Institution; to establish a preparatory department; to organize, establish and control a separate department and school for females, as they shall deem necessary in furtherance of the object of this act; to have the management of the finances; the privilege of electing their own officers, of appointing all necessary committees, and to act and do all things whatsoever for the benefit of said College, in as ample a manner as any person or body politic or corporate may and can do by law.

Sec. 6. That the said Trustees shall have the power of prescribing the course of studies to be pursued by the students, and of framing and enacting all such ordinances and by-laws as shall appear to them necessary for the good government of said College, and for their own proceedings; provided always, that the same be in accordance with the Constitution of the United States and of the State of Texas.

Sec. 7. That the head of said College shall be styled the President, and the instructors thereof the Professors, and the President and Professors, or a majority of them, "The Faculty of Concrete College," which Faculty shall have the power of enforcing the ordinances and by-laws adopted by the Trustees for the government of the students, by rewarding them or censuring them, and finally by suspending such of them as, after repeated admonitions, shall continue disobedient or refractory, until a determination of a quorum of Trustees can be had; but it shall be only in the power of a quorum of Trustees to expel a student or students of said College.

Sec. 8. That the Trustees shall have the full power by the Faculty of said College, to grant or confer such degree or degrees in the Arts and Sciences to the students of said College, and to other persons worthy thereof, as are usually granted and conferred in other colleges, and to give certificates thereof or diplomas, signed by them and sealed with the common seal of the Trustees of the College to authenticate and perpetuate the memory of such graduations.

Sec. 9. That whenever any vacancy shall occur in the Board of Trustees, either by death, resignation or expulsion for cause, such vacancy or vacancies shall be filled by the selection of the remaining Trustees.

Sec. 10. That all necessary officers of said College shall be appointed by a majority of the board of Trustees, viz: the Faculty and minor officers, and that said officers shall

always be subject to removal by the appointing power for cause.

Sec. 11. That the salaries of all officers connected with the College shall be fixed by a majority of the Board of Trustees.

Sec. 12. That the Concrete College shall be purely literary and scientific, and that the students of all religious denominations shall enjoy equal advantages.

Sec. 13. That this act take effect and be in force from and after its passage.

Passed, September 1st, 1856.

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#### CHAPTER CCCVII.

##### An Act for the relief of Stephen F. Sparks.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby authorized and required to issue to Stephen F. Sparks a certificate for three hundred and twenty acres of land, to be located and patented as other lands, to which he was entitled under an act of 30th December, A. D. 1840, as a bounty for participating in the reduction of Bexar, between the fifth and tenth of December, A. D. 1835.

Sec. 2. That this act take effect from and after its passage.

Passed, September 1st, 1856.

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#### CHAPTER CCCVIII.

##### An Act to incorporate the Texas Iron, Steel and Copper Manufacturing, Mining and Trading Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. B. Wilkins, R. R. Peebles, C. A. Harper, E. B. Nichols, A. Jones, Thomas J. Heard, and F. J. Cooke, and their associates and successors, be and they are hereby incorporated into a body corporate and politic by the name, style and title of the "Texas Iron, Steel and Copper Manufacturing, Mining and Trading Company," and as such shall have perpetual succession and be able and capable in law to sue and be sued, plead and be impleaded, and to make and

manufacture railroad and other iron, steel, copper, and castings of, and the same to own and work mines of coal, iron and other ores, with their appurtenances and the steam engines and other machinery, together with the foundries, shops, forges, and buildings necessary and proper for the above purpose, and to purchase, hold and use such necessary casements, lands, water power and mills, as may be required in the above mining and manufacturing objects, and means for transporting coal, fuel, ores or articles manufactured or required by said Company; and further to have and own one or more trading houses at such places as they may select for the operations of the Company, with power to buy and sell goods, wares and merchandize of all descriptions and to have such other rights and powers as are or may be incident to a corporation having the above purposes for its object.

Sec. 2. That the first five persons named in the preceding section of this act, shall be the directors of the corporation until their successors are chosen by the stock-holders. An election for five directors shall be held on the fourth Monday in January next, and annually thereafter, of which election three weeks' previous notice shall be given, but no failure to elect directors shall work a non-user, but those in office shall continue therein until others are chosen. The directors herein named, and their successors, shall have power and authority to fill vacancies in their body occasioned by death, resignation or otherwise, and to make, ordain and establish such by-laws, rules and regulations as they may require; to choose officers and appoint all necessary agents; they shall regulate the vote by proxy and the payment of instalments on the capital stock; provided always, that nothing in said by-laws, rules or regulations shall be inconsistent with the laws of the United States or of this State.

Sec. 3. That the capital stock of said corporation shall be one million dollars to be divided into shares of one thousand dollars each. This capital may be increased to an amount not exceeding two millions, by a vote of two-thirds of the stock-holders in person and by proxy; the shares of stock shall be disposed of, from time to time, as the Board of Directors may determine.

Sec. 4. That this act shall take effect immediately after its passage.

Passed, September 1st, 1856.

## CHAPTER CCCIX.

## An Act for the relief of H. H. Davis.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby authorized and required to issue to H. H. Davis a certificate for six hundred and forty acres of land, to be located and surveyed in the limits of Peters' Colony, as other colony certificates.

Sec. 2. That this act take effect and be in force from its passage. Passed, September 1st, 1856.

## CHAPTER CCCX.

## An Act to incorporate the European and American Colonization Society in Texas.

Whereas, A company under the name of the European and American Colonization Society in Texas has been formed in Brussels between Victor Prosper Considerant, Allyre Bureau, Charles Francois Guillion, Jean Baptiste Andre, Goden Lemaire and their associates, on the 26th day of September, A. D. 1854, as appeared by an act deposited at the office of Mr. Hedweld, Notary in said city, and duly legalized and certified on the 20th day of January, A. D. 1855, by the Consul of the United States at Antwerp, the nature and object of which said company consists in the Union of intended colonists creating a joint stock, and constituting an agency to enable its shareholders to emigrate to Texas to colonize, to improve lands, to transfer hither their manufactories, to introduce new culture and new branches of industry. And whereas, the objects of said association are calculated to develop the resources and add to the population and wealth of this State. Therefore,

Be it enacted by the Legislature of the State of Texas,

Section 1. That Victor Prosper Considerant, Allyre Bureau, Charles Francois Guillion, Jean Baptiste Andre, Godin Lemaire, and their associates, successors be, and they are hereby constituted a body politic and corporate, by the name of the

European and American Colonization Society in Texas, with power and authority in said corporate name to have succession, to make contracts, to have and use a seal, to acquire by purchase, donation or otherwise, and to own, manage and alienate property real, mixed and personal, to sue and be sued, to plead and be impleaded in law and equity in like manner and as fully as natural persons, to carry on, conduct and manage any kind of manufacturing, mechanical or agricultural business, to issue shares and negotiate them, to borrow money by mortgage on its property or otherwise; to have a President, Directors, Secretaries and Treasurers, and all such officers and agents as the company may deem necessary, and to prescribe their powers and duties; to make such by-laws, rules and regulations, not inconsistent with the Constitution and laws of this State or of the United States, as they may deem necessary and proper for the government of said company and the management of its affairs and interests, and to possess generally all the powers, rights, immunities and privileges necessary to carry into effect the provisions and objects of the said association. Provided, that a majority of the Directors of said Company and the President thereof shall be residents of Texas, and that the principal office shall be kept in this State, where all writs and citations shall be served. And further provided, that this act shall not be so construed as to entitle said company to the benefits of any law granting lands or money to any railroad, manufacturing or colonization company, nor shall it authorize said company to prohibit slavery in any Territory occupied by it.

Sec. 2. The capital stock issued by the said Company shall not exceed one million of dollars, to be divided into shares of such values and entitling the share holders thereof to vote in such manner as shall be prescribed by the by-laws of said company; the duration of which shall not exceed twenty years from the passage of this act.

Sec. 3. That the shareholders or corporators of the company, by this act incorporated, shall be liable for all debts and obligations of said company in the same manner and to the same extent as general partners are by law now liable.

Passed, September 1st, 1856.

## CHAPTER CCCXI.

## An Act to incorporate the Nueces and San Patricio Shell-Road and Bridge Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Dean S. Howard, Daniel E. Watrous, Somers Kinney, John C. Riddle, and J. B. McCown, and their associates and successors be, and are hereby created a body politic and corporate, under the name and style of the Nueces and San Patricio Shell-Road and Bridge Company, with the capacity in said corporate name, to make contracts, to have succession and a common seal, to elect its officers, to make by-laws, rules and regulations for its government, and the regulation of its affairs, to sue and be sued, plead and be impleaded, to purchase, hold and convey any estate, real, personal or mixed, and to exchange their property or credit for the property or credit of others, to grant and receive and generally to do and perform all such acts and things as may be necessary and proper for or incident to the fulfillment of its obligation or the maintenance of its rights under this act and consistent with the Constitution of this State.

Sec. 2. That the said company shall have the right to make a Shell-Road from Nueces County to San Patricio County, between the bays of Nueces and Corpus Christi, across what is known and called the "Reef," said road to be made in a good and substantial manner to be raised above the level of ordinary tides, to be bridged over a sufficient number of the runs, or sloughs, so as not to prevent the free passage of the water from one bay to the other, with the rise and fall of the tide, and to build a draw bridge across the run known and called the "Dug-Out," of a sufficient width for the passage of such Boats as are suitable for the navigation of the Nueces Bay and the Nueces River.

Sec. 3. That the said company shall have the exclusive right to occupy the reefs, islands and bottoms of the bays for a distance of one mile on each side of the said shell-road, and the exclusive right to use the shells, sand earth, mud, or timber thereon, and any person who may be found trespassing upon the said reefs, islands, or bottoms within said distance of one mile of said shell road, shall be liable to pay to said company a fine of ten dollars for each and every offence, on

conviction before any magistrate within whose jurisdiction said person may be found.

Sec. 4. That the said company shall have the right to go upon any land in the counties of Nueces or San Patricio, and take such stone and timber as may be necessary for the construction of the bridges, fences, gates and houses of the said company, and also to take not more than five acres of land at or near the terminus of the said shell road in the counties of Nueces and San Patricio, by paying the owners thereof such amount for the same as they may agree upon, and in the event that they cannot agree, then the owners of such stone, timber, or sand, and this company shall each select one person and they shall select a third person, who shall decide the amount to be paid for the same by said Company, and their decision shall be binding, final and conclusive for all such stone, timber, or sand taken by the said company.

Sec. 5. That the said company shall commence the construction of the said shell road and bridges on or before the first day of January, 1860, and have the same completed on or before the first day of January, A. D. 1865, in accordance with the requirements of the second section of this act, in case of failure to do so, this act shall be null and void, and of no effect.

Sec. 6. That on the completion of said road and bridges, it shall be the duty of the Chief Justice of Nueces county to appoint three Commissioners, whose duty it shall be to inspect the said shell road and bridges, and if said Commissioners shall find the same completed in accordance with this act, they shall give the Company a certificate of the fact, upon the receipt of which the said Company may erect toll gates on the said shell road, and may receive and collect toll, not to exceed the following rates, to-wit: For all carriages, carts, and wagons, twenty cents per wheel and five cents per head for the team attached thereto, and five cents per head for each passenger thereon; for a person on horse, mule, jack or jennet twenty-five cents; for each footman ten cents; for loose horses, mules, jacks, jennets, and horned cattle ten cents per head; for hogs, sheep and goats three cents per head, and all other things not herein mentioned, at the same rate. And the County Court of Nueces County shall have the power, and it is hereby made its duty, when the bridge is completed, to regulate the rate of tolls annually, but it shall not in any year exceed the rates in this charter.



Sec. 7. That the Commissioners appointed under this act, shall hold their office for one year, and until their successors are appointed by the Chief Justice of Nueces County, and it shall be the duty of said Commissioners, at any time when said road or bridges, shall be unfit for travel, to report the same to the Chief Justice of Nueces County, and if the said report is sustained, said Chief Justice shall direct the gates to be thrown open and so continue until said road and bridge shall have been put in order by the said Company; further, it shall be the duty of said Commissioners to visit said road and bridge once in every year during the month of January, for which service they shall receive two dollars each, to be paid by the Company.

Sec. 8. That if any person traveling upon said shell road and bridges or crossing said bridges, shall refuse to pay the tolls, as provided for by this act, or shall go around said toll gates, for the purpose of avoiding the payment of the tolls levied by this act, he or she shall forfeit and pay to the said Company ten dollars, and costs of suit for every offence, to be recovered before any Justice of the Peace, within whose jurisdiction said person may be found; and the Collector of Tolls, who shall be under oath for the faithful performance of his duties, shall be a competent witness against any person attempting to avoid the payment of the tolls, and a lawful officer to serve any process for the apprehension of any person evading or refusing to pay toll as provided for in this act. Provided, that the privilege granted under this act, shall not extend for a longer period than fifty years after the completion of said shell road and bridges.

Sec. 9. That this act take effect and be in force from and after its passage.

Approved, September 1st, 1856.

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## CHAPTER CCCXII.

### An Act to incorporate the Huntsville Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Henderson Yoakum, J. C. Smith, R. D. Hightower, E. Wynne, J. A. Thomison, John Abercrombie, Thomas Carothers, James Scott, William M. Rice and Harvey Allen be, and they are hereby appointed Commissioners to open books

and receive subscription to the capital stock of a corporation to be styled the Huntsville railroad company, but they shall receive no subscription to said capital stock unless five per cent thereof, in cash, shall be paid to them at the time of subscribing, and should they receive subscription to said stock without such payment they shall be personally liable to pay the same to said corporation when organized. A majority of said Commissioners shall constitute a quorum to do business, and they may hold their meetings at such times and places as a majority may designate; provided, that public notice of all such meetings shall be given by publication in some newspaper printed in Walker county, at least twenty days before such meeting.

Sec. 2. That the subscribers to said capital stock, whenever they shall have elected directors in the manner hereinafter provided, shall be and they are hereby created and established a body corporate and politic, under the name and style of the Huntsville railroad company, with capacity in said corporate name to make contracts, to have succession and a common seal, to make by-laws for the government and regulation of said company, to sue and be sued, plead and be impleaded, to grant and receive and generally to do and perform all such acts as may be necessary and proper for or incident to the fulfilment of its obligations for the maintenance of its rights under this act, and in accordance with the constitution and laws of the State.

Sec. 3. That the capital stock of said corporation shall be one million of dollars, and it shall have power to increase the same to two million of dollars. The said corporation is hereby invested with the right of locating, constructing, owning and maintaining a railway, commencing at such point on the trunk of the Galveston and Red River road, as said corporation shall deem most suitable within the limits of Grimes county, then running by or near the town of Huntsville, to the Trinity river, at such point as shall be selected by said company.

Sec. 4. That the capital stock of said company shall be divided into shares of one hundred dollars each, each share entitling the owner thereof to one vote in person, or by proxy, at all meetings of the company, and the shares shall be deemed personal estate, and shall be transferable by any conveyance in writing, recorded either by the Treasurer in books kept by him for that purpose at his office, or by any other officer duly

authorized by the directors in books kept by him at such other places as the directors may appoint, such transfers as are recorded in any other place being within ninety days communicated to the Treasurer, and by him entered on his books.

Sec. 5. That the immediate control and direction of the affairs of said corporation shall be vested in a board of not less than five directors, said directors shall elect one of their own number President of the Company. Whenever two hundred thousand dollars of the capital stock of said corporation shall have been subscribed, and five per cent thereof shall have been paid to the Commissioners herein before named, they shall cause an election to be held by said subscribers, at the town of Huntsville, in Walker county, for not less than five directors, having first given public notice of the time of said election in some newspaper published in said county, after which the said Commissioners shall account for and pay over to said directors all such sums as they shall have received of the capital stock of said company, and they shall be paid for their services a reasonable compensation out of the joint funds paid in the Treasury of the company after its organization. No person shall be eligible to the office of director, unless he be a subscriber or owner of at least three shares of the capital stock, the directors shall have power to fill any vacancy in their body arising from non-election or other cause, they shall have power to appoint a Clerk, Treasurer, or any other office or agent as they may deem necessary, and prescribe and require bonds for the faithful performance of their duties, they may make all necessary rules and regulations for holding of meetings and all other things they may deem proper for the carrying out the provisions of this charter and business of the company. They shall keep or cause to be kept, correct records of all meetings of the directors and company, and accurate books and accounts of the receipts and expenditures of the company, and all other books and accounts necessary and proper to be kept by such company, which books shall be open to the inspection of the stockholders. A majority of the board of directors shall have the power of a full board, and all conveyances and contracts executed in writing signed by the President and countersigned by the Treasurer or any other officer duly authorized by the Directors, under the seal of the company and in pursuance of a vote of the directors, shall be valid and binding.

Sec. 6. That the Directors shall have power to receive

further subscription to the capital stock of said corporation, from time to time, until the full amount thereof shall have been subscribed, but five per cent of all such subscription shall be paid in cash at the time of subscribing, and the directory shall be personally liable to said company for five per cent of all subscription they may receive to said capital stock, without such payment; provided, however, that said company may, by the vote of a majority of the stockholders, cause certificates of stock to be issued in payment of any debt contracted for the construction or equipment of their road, and any agreement in writing, whereby any person shall become a subscriber to the capital stock of said company, shall be enforced against him according to its terms. If any subscriber shall fail to pay any amount due upon shares subscribed for by him, according to the terms of his subscription, the directors may, after twenty days public notice, sell at public auction the shares subscribed for by said delinquent, and transfer to the purchaser of such shares, if the proceeds of sale shall not be sufficient to pay the amount due, with interest and charges, such delinquent shall be held liable to the company for the deficit, and if the proceeds shall exceed the amount so due, with interest and charges, he shall be entitled to the surplus.

Sec. 7. That it shall be lawful for the company to purchase and hold any land that may be necessary for the purpose of locating, constructing and maintaining said railway. With all necessary depots and other buildings, and by their engineers or agents enter upon and take possession of all such lands as may be necessary for locating, constructing and maintaining said railway, and if they should not be able to obtain such lands by agreement with the owners, they shall pay for the same such amount as shall be determined in the manner provided for in the following section, the land so taken for the railroad shall not exceed fifty yards in width, and for depots and buildings only such further width as may be necessary.

Sec. 8. That any person from whom lands have been taken for the purposes set forth in the preceding section, may apply to the District Court of the county wherein said lands are situated, for the appointment of appraisers, and after proof that the President or other officers of the company have been served with a notice describing the land ten days before the holding of the Court, the Court shall thereupon appoint three disinterested freeholders, citizens of the county, who shall appoint a time and place to hear the application, and the

company to whose President or agent a reasonable notice shall be given by the court of said time and place, and said freeholders being sworn, shall, after hearing the parties determine the amount of compensation as aforesaid, and make return of their award to said court at its next term, and said award may be confirmed, or for any sufficient reason rejected by said court, in the same manner as awards by arbitrators under a rule of Court, and if confirmed by the court, judgment shall be rendered thereon as in other cases; in determining the amount of compensation to be paid, as aforesaid freeholders shall be governed by the actual value of the land, at the time it was taken, taking into consideration the benefit or injury done to other neighboring land of the owners, by the establishment of said railway, if in any case the amount found by the arbitrators shall not exceed the sum proved to have been offered by the company to the owner, prior to his application to the court, the owner shall pay the cost of proceedings, otherwise the company shall pay the same.

Sec. 9. That the said company shall have power to borrow money on their bonds or notes at such rates as the directors may deem expedient; provided, however, that nothing in this act shall be so construed as to confer banking privileges of any kind.

Sec. 10. That upon the written request of one-fourth of the stockholders, the President of the company shall call a special meeting of the directors, and upon a written demand of three-fourths of the stockholders, the President shall remove any one or the whole of the directors, and order a new election within thirty days, which directors so elected shall hold their offices until the time prescribed for the next regular election.

Sec. 11. That if said railway is not commenced by the first day of January, 1858, and at least ten miles are not in running order within three years after its commencement, then this charter shall be null and void.

Sec. 12. That the company is hereby required at all reasonable times, and for a reasonable compensation, to draw over their road the passengers, merchandize and cars of any other railroad corporation which has or may hereafter be authorized by the Legislature to enter with their railroad and connect with the railroad of said company; and if the respective companies shall be unable to agree upon the compensation aforesaid, it shall be the duty of the President of each company

to select each one man as a commissioner, and the two Commissioners so selected shall choose a third in case of disagreement, neither of whom shall be a stockholder in either road, or interested therein, and they shall fix the rates which shall not be changed for one year from the time of going into effect, the said Commissioners shall also fix the stated periods at which said cars are to be drawn, as aforesaid, having reference to the convenience and interest of said corporations, and the public who shall be accommodated thereby, the right or power is specially conferred on this company to connect and contract with any railroad company heretofore or hereafter chartered by this State, for the performance of like transport and in case of disagreement between the companies, the same shall be referred and settled as aforesaid, to be binding as aforesaid for one year.

Sec. 13. That this company shall be subject to the provisions and be entitled to the benefits of any general laws which have been or may hereafter be enacted by the State Legislature regulating and encouraging the construction of railroads.

Sec. 14. That this act of incorporation shall take effect from its passage, and shall expire in ninety years, unless it shall be renewed or extended.

Passed, September 1st, 1856.

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### CHAPTER CCCXIII.

An Act to incorporate the town of Madison in the county of Orange.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Madison, in the county of Orange, be, and they are hereby declared a body politic and corporate under the name and style of the town of Madison, and by that name may sue and be sued, plead and be impleaded, answer and be answered unto in all courts of law and equity of this State, and may hold and dispose of property real and personal, and have a common seal for the transaction of its business, and the power to alter change or make anew the same at its pleasure.

Sec. 2. The limits of said corporation shall be as follows, to wit: the limits of the present town plat of Madison over

which said limits the corporate authorities of the town of Madison shall have and exercise the rights and privileges usually appertaining to such corporations.

Sec. 3. That there shall be a council of said town, to consist of a Mayor and five Aldermen who shall be elected by the qualified electors of said town. That there shall be elected at the same time, and in the same manner, one Recorder, one Treasurer, and one town Constable. That all officers elected under this act shall before entering upon the discharge of their respective duties take and subscribe an oath for the faithful performance of their respective duties, and the Treasurer and Constable shall enter into bond payable to the Mayor and his successors in office to be approved by the council, in such sum as they may require, with two or more securities, conditioned to perform all the duties of their respective offices.

Sec. 4. That an election shall be held at the court house in said town on the 1st Monday in November, 1856, and every year thereafter, for one Mayor, five Aldermen, one Recorder, one Treasurer and one town Constable. That the first election shall be ordered by the Chief Justice of Orange county, as in general elections; and all subsequent elections shall be ordered by the Mayor of said town of Madison, who shall have the same power therefor as the Chief Justice of the county has, so far as the same may be applicable, and declare the results, and issue certificates of election, and in the event of the failure of the Mayor to perform this duty from any cause whatever, then any two Aldermen may perform the same in the same manner as the Mayor is empowered to do.

Sec. 5. That all officers elected under the provisions of this act shall hold their offices for one year, until the next annual election, and when a vacancy shall occur, the town council shall have the power to fill the unexpired term, by ordering an election therefor, under the resolutions contained in the foregoing section of this act. Provided, that all officers elected shall hold their offices until their successors are duly qualified.

Sec. 6. That no person shall be eligible to the office of Mayor, unless he is a voter in said corporation and an owner of real estate in the same, and no other qualification shall be required for any other office under the provisions of this act, than that of being a legal voter in said corporation, and the qualification of voters in said corporation shall be a resident of twelve months in the State and three months in said corporation; provided, the party is entitled to vote in general elections for State offices.

Sec. 7. That the Mayor shall be President of the council. The Mayor and three Aldermen shall constitute a quorum to do business and that the regular meetings of said council may be fixed by said council, which shall also have power to call a special meeting for the transaction of any special business.

Sec. 8. That the council shall have the power to enact such rules, regulations and ordinances, as they shall see proper, for their own government and the government of said town, for the improvement of said town and for maintaining good order therein; provided, the same do not conflict with the laws and constitution of the land. They shall have authority over the streets and squares of said town, the side walks, markets and all other things of a public character usually appertaining to such corporations, remove nuisances, impose fines for a breach of their ordinances and compel the payment of the same by execution or imprisonment, provided no fine larger than one hundred dollars, shall be imposed and no person imprisoned for a longer time than ten days, and they may compel the male inhabitants of said town, liable to road duty, to work the streets and squares of the said town not more than six days in any one year, and said parties so subject to road duty in said corporation shall not be subject to the same, outside the corporate limits of said town, and they may impose a fine of not more than \$2 for each day, upon defaulters, and further provided, that any person subject to road duty in said town may be allowed to hire a substitute in his stead.

Sec. 9. That the council once in each year shall have the power to levy a tax on all real and personal estate within the limits of said town which is subject to tax under the laws of the State; provided, said tax shall not exceed one-fourth of one per centum for any one year ad valorem. They may also levy a poll tax on all male residents who are voters, over the age of twenty-one years and under fifty, not exceeding fifty cents each, which tax shall be assessed and collected by the town Constable under the law regulating the assessment and collection of other taxes, so far as applicable, and he shall receive such compensation as the council see proper to award him a copy of each assessment roll to be returned to the council and filed by the Recorder.

Sec. 10. That the Recorder shall record in a well bound book the ordinances of said town and preserve the same, together with all papers, regulations, reports and documents filed with him, belonging to the council, and the council shall remunerate him for his services.



Sec. 11. That the town Constable shall attend the meeting of the council and preserve order, execute all writs legally issued to him by the Mayor or councils he shall have and exercise the same power as Constables of the county, execute and return said writs in the manner provided by law and be entitled to Constables' fees.

Sec. 12. That the Treasurer shall receive and safely keep all the money of the corporation and shall only pay the same out by order of the council, signed by the Mayor and attested by the Recorder, and he shall make reports to the council, under oath of the state of finances of the corporation from time to time, as they may order.

Sec. 13. That the Mayor and each Alderman shall be conservators of the peace, and the Mayor shall have the same jurisdiction within said corporation, as a Justice of the Peace has, and shall be governed by the same laws in such cases.

Sec. 14. That all suits for the recovery of fines, penalties and forfeitures for violation of ordinances, rules and regulations and by-laws of the council, and for the recovery of Taxes and other dues to the town shall be instituted before the Mayor in the name of "the town, of Madison," who in his disposition of the same shall be governed by the laws organizing Justices courts and all fines, forfeitures, penalties and demands recovered before the Mayor, shall be paid to the Treasurer and applied to the use of said corporation.

Sec. 15. At the close of each meeting of the council the Mayor shall examine the entries of the proceedings of the council made by the Recorder and approve the same which shall be considered record evidence in all courts of this State of the acts and proceedings of the council.

Sec. 16. The Mayor and Aldermen shall be entitled to such compensation for their services while in session as may be allowed by the council not exceeding two dollars per day.

Sec. 17. If at any meeting of the council, the office of Mayor be vacant or he be absent, unable or unwilling to attend, from any cause the Aldermen present shall select one of their number to act as Mayor pro tem., and if the office of Recorder or Marshal be vacant or either of them be absent, unable or unwilling to attend from any cause, the council shall appoint a recorder or Marshal pro tem.

Sec. 18. The council while in session shall have power to impose fines or imprisonment for contempt.

Sec. 19. That it shall be the duty of the Recorder to post

up forthwith on the court house door, a copy of all rules and regulations for the government of the town, and that all the books of the corporation shall be open to the inspection of the people of the town, at any and all times convenient for the same.

Sec. 20. That this act take effect and be in force from and after its passage.

Passed, September 1st, 1856.

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CHAPTER CCCXIV.

An act to Incorporate the Powder Horn, Victoria, and Gonzales Rail Road Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Andrew Dove, Joseph H. Baldridge, Jesse O. Wheeler, David Murphree, Preston Rose, F. S. Stockdale, D. M. Stapp, H. Runge, John J. Linn, Edward Bellinger, Augustus H. Jones, Benjamin B. Peck, William Monroe, Thomas M. Hardiman, John B. McMahan, Wm. S. Oldham, John M. Swisher, Thomas D. Johnston, Joseph F. Johnston, and Wm. Venable, be, and they are hereby appointed Commissioners to open books and receive subscriptions, to the Capital Stock of a corporation to be styled "The Powder Horn, Victoria, and Gonzales Rail Road Company." But, they shall receive no subscription to said Capital Stock, unless five per cent thereof in cash shall be paid to them at the time of subscribing. And should they receive subscriptions to said Stock without said payment, they shall be personally liable to pay the same to said corporation when organized. A majority of said commissioners shall constitute a quorum to do business and they may hold their meetings at such times and places as a majority shall designate; provided, that public notice of all such meetings shall be given by publication in one or more Newspapers printed in some of the Counties through which said road is to pass, at least twenty days before any such meeting.

Sec. 2. That the subscribers to said Capital Stock, whenever they shall have selected directors in the manner herein after provided, shall be, and they are hereby created and established a body corporate and politic under the name and

style of "The Powder Horn, Victoria, and Gonzales Rail Road Company," with capacity in said corporate name to make contracts, to have succession and a common seal, to make by-laws for its government, and the regulations of its affairs; to sue and be sued, to plead and be impleaded, to grant and receive, and generally to do and perform all such acts and things as may be necessary and proper for or incident to the fulfilment of its obligations, or the maintenance of its rights under this act, and consistent with the Laws and Constitution of this State, and the United States.

Sec. 3. That the corporate stock of said company shall not exceed five millions of dollars; that said corporation shall be, and is hereby invested with the right of locating, constructing, owning and maintaining a railway commencing on La Vaca Bay, as near the mouth of Powder Horn Bayou as practicable and thence running on the most practicable direct route to Victoria, thence as near a direct line as practicable to Gonzales.

That the capital stock of said company shall be divided into shares of fifty dollars each—each share entitling the owners thereof to one vote in person or by proxy at all meetings of the company, and the shares shall be deemed personal estate, and shall be transferable in such manner as may be provided for by the laws of the company.

Sec. 4. That the immediate control and direction of the affairs of said corporation, shall be vested in a Board of five Directors, to be chosen by the stock holders. No person shall be eligible as a Director, unless he is the owner of at least five shares of the capital stock; the said Directors shall choose one of their number to be President of the company; they shall have power to fill any vacancy in their Board arising from non-election, death, resignation, or other cause; to appoint a Clerk, Treasurer, and such other officers and Agents as they may think proper; and prescribe and require bonds for the faithful performance of their duties; they may make all necessary rules and regulations for holding of meetings and all other things they may deem proper for carrying out the provisions of this charter, and the business of the company; they shall keep or cause to be kept accurate books of accounts of the receipts and expenditures of the company; a majority of the Board of Directors shall have the power of a full Board and all conveyances and contracts in writing executed by the President and countersigned by the Treasurer, or any other offi-

cer duly authorized by the Directors under the seal of the company, and in pursuance of a vote of the Directors, shall be binding and valid.

Sec. 5. Whenever two hundred thousand dollars of the capital of said corporation shall have been subscribed, and five per cent thereof shall have been paid to the commissioners heretofore named, they shall cause an election to be held by the said subscribers at the town of Victoria; for not less than five Directors, having first given notice of the time of said election, in some newspaper published in one of the counties through which said road is to pass, after which the said commissioners shall account for and pay over to said Directors all such sums as they shall have received of the capital stock of said company, the said directors shall have power to receive further subscriptions to the capital stock of said corporation from time to time, until the whole amount thereof shall have been subscribed; but five per cent of all such subscriptions shall be paid in cash at the time of subscribing, and the Directors shall be personally liable to said company for five per cent of all such subscriptions they may receive to said capital stock without such payment; provided however, that said company may by the vote of a majority of the stock holders, cause certificates of stock to be issued in payment of any debt contracted for the construction or equipment of their road; any agreement in writing whereby any person may become a subscriber to the capital stock, may be enforced on him according to its terms, and if any subscriber shall fail to pay any amount, due upon the shares subscribed for by him, according to the terms of his subscription; the Directors may sell at auction, and transfer to the purchaser the share of such delinquent, and if the proceeds of sale shall not be sufficient to pay the amount due with interest and charges, such delinquent shall be held liable to the company for such deficiency; and if the proceeds shall exceed the amount due with interest and charges, he shall be entitled to the surplus.

Sec. 6. That it shall be lawful for said company to enter upon the purchase, or otherwise take and hold any land necessary for the purpose of locating, constructing and maintaining said railway with all the necessary depots and other business connected with said railway and if they shall not be able to obtain such lands by agreement with the owners thereof, they shall pay such compensation as shall be determined in the manner provided for in the following section,

the land so taken for the road-bed shall not exceed fifty yards in width and for depots and other buildings only such further width as may be necessary.

Sec. 7. That any person, when land has been taken as aforesaid, may apply to the Chief Justice where the land is situated, for the appointment of three freeholders, and said court shall thereupon appoint a time and place to hear the applicant and the company, to whom shall be given reasonable notice by the court of the time and place, and said freeholders shall, after being sworn and hearing the parties determine the compensation as aforesaid, and make return of the award to such court at its next regular term, and said award may be confirmed on any sufficient reason, rejected by said court, and if confirmed by the court, judgment shall be rendered thereon as in other cases. In determining the amount of compensation to be paid as aforesaid, said freeholder shall be governed by the actual value of the land at the time it was taken, with whatever injury may result to the adjoining lands of the person from whom the land has been taken by the establishment of said railway. If in any case the amount found by the arbitrators shall not exceed the amount proven to have been offered by said company to the owner prior to the application to the court, the owner shall pay the cost of the proceedings, otherwise, the company shall pay the same.

Sec. 8. That said company shall have the right to charge such amount for the transportation of all produce or merchandize and bulky freights as the directors may establish, not to exceed fifty cents per hundred pounds of freight for every hundred miles; the same may be transported over said railway, and for all passengers over said railway said company may charge such sum, not to exceed four cents per mile for each passenger, as said directors may establish, and said company shall have the right to cross all public highways that may be necessary in establishing and maintaining said railway, but shall be compelled to make causeways over all public highways so crossed for the convenient passage of the public.

Sec. 9. That said company shall commence the construction of said railway within twelve months, and complete twenty-five miles within three years from the passage of this act, and twenty miles annually there after until the same reaches Gonzales; and should said company fail to commence and prosecute the road as herein prescribed they shall forfeit all their rights and privileges under this charter; and should said com-

pany prosecute their road beyond Gonzales to Austin, they shall complete twenty miles annually under the same Conditions, and penalties as set forth in the preceding part of this section.

Sec. 10. That the said company shall be entitled to receive under the provisions of "An Act to encourage the Construction of Railroads "in Texas by donation of Lands," (approved January, 30th, 1854,) sixteen sections of land per mile for the first twenty-five miles of its road, and also for each subsequent twenty miles of road; provided, the same shall be constructed within the time prescribed in the next proceeding section, until the said act shall be repealed, or expires, by limitation.

Sec. 11. This company is hereby required at all reasonable times and for reasonable compensation to draw over their road the passengers, merchandize and cars, of other railroad corporations which have been or which may hereafter be authorized by the Legislature, to enter with their railroad and connect with the said road of this company, and if the respective companies shall be unable to agree upon the compensation aforesaid it shall be the duty of the President of each company to select each one a man as commissioner, and the two commissioners so selected, shall choose a third in case of disagreement, neither of whom shall be stock holders in either road, nor interested therein, and they shall fix the rates which shall not be changed for one year from the time of going into effect. The said company shall also fix the periods at which said cars are to be drawn as aforesaid, having reference to the convenience and interests of said corporations and the public who will be accommodated thereby, the right or power is especially conferred on this said company to connect and contract with any railroad company chartered by the State for the performance of like transportation, and in case of disagreement between said companies the same shall be referred to and settled as aforesaid, and be binding for one year as aforesaid.

Sec. 12. That the board of Directors to be elected under the provisions of this act are hereby authorized to form a junction or connect with any other company or companies in such manner as may best and most certainly secure the speedy construction of their said railway.

Sec. 13. That this charter shall remain in full force and effect for the period of fifty years; (provided, the conditions re-

quired in said charter have been fully complied with) from the completion of the said railway, and the same shall at all times be subject to alteration or modification by the Legislature, when ever the same may be required for the public good.

Sec. 14. That nothing in this act shall be so construed as to entitle said Railroad to any of the benefits of an act passed at the present session, providing for the investment of the Special School Fund in the Bonds of Railroad Companies incorporated by the State. This act to take effect from and after its passage.

Passed, September 1st, 1856.

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#### CHAPTER CCCXV.

##### An Act for the relief of Fraylan de la Garza.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Fraylan de la Garza a certificate for one league and labor of land, which may be located and patented as other head-right certificate; provided, that the said Garza has not heretofore received a certificate.

Section 2. That this act take effect from and after its passage.

Passed, September 1st, 1856.

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#### CHAPTER CCCXVI.

##### An Act for the relief of Joel Pierce, his heirs or assigns.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby authorized and required to issue to Joel Pierce, his heirs or assigns, a patent for three hundred and twenty acres of land, upon the unconditional headright certificate issued in favor of Joel Pierce by the Board of Land Commissioners, of Grimes county, on the 15th day of January, A. D. 1848, whenever said certificate shall be located and surveyed upon the vacant lands of the State and returned to the Land office, in

accordance with law. And that this act take effect from and after its passage.

Passed, September 1st, 1856.

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CHAPTER CCCXVII.

An Act to Incorporate the Mantua Institute, in Collin County.

Section 1. Be it enacted by the Legislature of the State of Texas, That Joseph H. Wilcox, Wm. C. McKinney, H. N. Walcot, James R. McBride, John M. Kincade, or their successors, be and they are hereby constituted a body corporate and politic, under the name and style of the Mantua Institute; capable of suing and being sued, of pleading and being impleaded, of holding and owning property, either real, personal or mixed, of selling and conveying the same at pleasure, of having a common seal, and of changing the same at pleasure, and of doing and performing whatever else may be proper and necessary to be done for the advancement of said Institute.

Sec. 2. That the charter and privilege shall extend to the said Trustees, and their successors in office so long as they confine the benefit of the same to the advancement of the sciences, of useful knowledge to the rising generation.

Sec. 3. A majority of said Trustees shall constitute a quorum to transact the business of said Institute; they shall have power to select their own officers, and to make their own by-laws; provided, that said by-laws are not inconsistent with the provisions of this Charter, or the constitution and the laws of the State of Texas.

Sec. 4. The principal of said Institute shall have power to grant certificates of advancement in the sciences to deserving students.

Sec. 5. The Trustees shall have the power of fixing the salaries of all officers connected with said Institute, and to fill all vacancies that may occur in their own body.

Sec. 6. No religious test shall ever be required of any President, Teacher or officer of said Institute, nor shall any student be considered suspended or expelled on account of his religious or political opinions; provided, that the Trustees of said Institute shall not be prohibited from providing for the infliction of suitable punishment for immoral conduct.

Sec. 7. All donations and bequests, which has or may be



made to said Institute, shall be good and binding, although the corporate name of the same may not have been properly stated by the person making such donation, or bequest. Provided, that said Institute shall not hold real estate exceeding one hundred thousand dollars in value, and it shall never be under the control of any particular denomination of christians or religious sect.

Sec. 8. That this act take effect and be in force from and after its passage.

Passed, September 1st, 1856.

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## CHAPTER CCCXVIII.

### An Act to Incorporate the Galveston Ice Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Andrew Moore, E. B. Nichols, L. M. Hitchcock and George Delesdemier, of Galveston, Texas, or such of them or such other persons as may hereafter be associated with them, are hereby created a body corporate, by the name of the Galveston Ice Company, and by that name may sue and be sued, may plead and be impleaded, may transfer their rights by succession, or assignment; may have a common seal, and also by that name and style, they and their successors may purchase, hold and convey real and personal estate.

Sec. 2. That said company shall have the right to erect and establish in the County of Galveston, suitable buildings for their safe and economical housing of ice for sale.

Sec. 3. That the capital stock of said company shall be thirty thousand dollars, to be divided into three hundred shares, of one hundred dollars each, and said Company shall have authority to increase said capital to fifty thousand dollars.

Sec. 4. That the affairs of said Company shall be managed by a Board of five Directors, each of whom shall own at least five shares of the capital stock of said Company; a majority of said Directors shall constitute a quorum to do business, and shall have power to appoint a President from their number, and to fill all vacancies that may occur in the Board of Directors, from death, resignation or otherwise; after the first election of Directors by virtue of this act, all subsequent elections shall be held at the city of Galveston, on the first Tuesday in

January of each year; in case of a failure to elect said Directors at the time and place specified in this act, the corporation shall not be dissolved for that cause, but the President and Directors previously elected shall continue to perform the duties, until their successors are chosen.

Sec. 5. That the Directors shall be chosen by the stock holders of said Company, and that each stock holder shall have one vote for each share that he may own, and may vote in person or by proxy duly authorized in writing.

Sec. 6. That the President and Directors of said Company shall have full authority to adopt all such rules, regulations and by-laws as they may consider necessary to effect the object of this act of incorporation, not inconsistent with this act or the laws of this State; and may appoint and remove at their pleasure all agents or other employees necessary to transact the business of said corporation.

Sec. 7. That every person subscribing for any of the capital stock of said company shall pay such proportion thereof at the time of subscribing as may be directed by the terms of the original subscription list, and after the election of the first board of Directors, the balance shall be paid at such times and upon such as said Directors may designate; provided, that in all cases, where further payment may be required, notice thereof shall be given by advertisement in the nearest newspaper, at least sixty days before the time of said payment.

Sec. 8. That if any stock holder shall fail or refuse to pay the balance of his subscription, at the time required by said Directors, it shall be lawful at any time after due notice, and advertisement has been made, in accordance with the preceding section of this act, for said Directors to sell the shares of said stock holders at public auction after ten days previous notice of said sale has been given by public advertisement, and the purchase of said shares shall be subject to all the liabilities and entitled to all the benefits of the defaulting stock-holder.

Sec. 9. That this act shall be in force from and after its passage.  
Passed, September 1st, 1856.

## CHAPTER CCCXIX.

An Act authorizing the Commissioner of the General Land Office to issue to Alexander McCulloch a certificate for one-third of a league of land.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Alexander McCulloch a certificate for one-third of a league of land as his head-right by virtue of his emigration to Texas, which may be located and patented as other land certificates; provided, there shall be no evidence in the General Land Office that he has heretofore received land by virtue of said emigration.

Sec. 2. That this act take effect from and after its passage.

Passed, September 1st, 1856.

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CHAPTER CXCXX.

An Act to change the name of Rosalia Hernandez to Maria Rosalia Upshur.

Section 1. Be it enacted by the Legislature of the State of Texas, That the name of Rosalia Hernandez, the record of whose birth and baptism will be found in the register of births and baptisms of the cathedral of the Parish of San Fernando, in the City of San Antonio, State of Texas, dated September 7th, 1845, and numbered four hundred and sixteen, and who is the daughter of Manuela Hernandez, be and the same is hereby changed to that of Maria Rosalia Upshur; and this act shall take effect whenever Horace L. Upshur, of the county of Travis, State of Texas, shall adopt said Rosalia Hernandez, as his heir by proper act duly filed in the County Court of said Travis county; and in the manner provided by act of January 16th, 1850, entitled "An Act to prescribe the mode of adoption."

Passed, September 1st., 1856.

CHAPTER CCCXXI.

An Act for the relief of Jonas Gilbert and others herein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office shall issue to Jonas Gilbert an unconditional certificate for twelve hundred and eighty acres of land; to William Reed a certificate for three hundred and twenty acres; to John H. Mourman a certificate for three hundred and twenty acres, and a certificate for six hundred and forty acres of land to Waide H. Hudson, and that all the said certificates in this act shall be entitled to all the rights known to legal certificates.

Sec. 2. That this act take effect from and after its passage.

Approved, August 30th, 1856.

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CHAPTER CCCXXII.

An Act for the relief of John T. Miller, assignee, and J. C. Dalby.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Treasurer be and he is hereby authorized to pay to John T. Miller, assignee of John D. Jemison, the sum of one hundred and eighty-nine dollars and twenty-five cents, being the amount of the audited Treasury draft, No. 2268, issued June 6th, 1839, at Houston, by J. W. Moody, Auditor. Provided, that the said Miller shall file said draft with the Treasurer, and the Treasurer shall also pay to J. C. Dalby seventy-five dollars upon the said Dalby, filing with the Treasurer his discharge as second Sergeant in Captain D. P. Keys' company in the year 1841.

Sec. 2. That said money may be paid out of any money in the Treasury not otherwise appropriated. And that this act take effect from and after its passage.

Passed, September 1st, 1856.

## CHAPTER CCCXXIII.

## An Act for the relief of H. B. Balch.

Section 1. Be it enacted by the Legislature of the State of Texas. That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to H. B. Balch, a certificate for one-third of a league of land to be surveyed and patented on any of the vacant public domain as other headright certificates.

Sec. 2. That this act take effect from and after its passage.  
Passed, September 1st, 1856.

## CHAPTER CCCXXIV.

## An Act supplemental to "An Act to incorporate the Aransas Road Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Aransas road company, in addition to the rights and privileges of its original charter, shall have further right as follows: the company may improve the navigation of the ship channel on Aransas bar, and between that bar and Corpus Christi mud flats, by deepening the present channel or by making a new one, in any part of greater depth; and may connect the company's roads on the main land with said ship channel by a road or roads in the bay; and may make any of its roads through tide water, where necessary, and may reclaim from overflow any lands subject thereto, that may be connected with any such road; provided, that the company shall make and maintain a draw bridge on any such road, of such extent as may be necessary over any navigable channel, and that such connection between the main land and said ship channel, by one road at least, and the road across Aransas reef shall be made before the first day of January, eighteen hundred and sixty, and said bar shall be improved so as to afford nine feet depth at ordinary low tide, before the first day of January, eighteen hundred and sixty-one.

Sec. 2. For the improvement of said ship channel, the company may close Cedar Bayou, so as to prevent the flow of tidewater through it, and in like manner may close all the

channels of tide water between Aransas and Corpus Christi bays, except the main ship channel, as it may be used or improved, from time to time, under any law of this State, or of the United States, and may employ any other appropriate means not impairing current navigation. In consideration of such improvement of the bar, the company may demand and receive, for its own use, tonnage duties at the rate of ten cents a ton on all vessels crossing said bar, of classes which would draw more than eight feet of water, if fully freighted; and the right to collect such duties shall commence when the company shall have improved said bar to the depth of nine feet as aforesaid, and shall continue during the continuance of such improvement, and to the end of ten years from the time allowed as aforesaid, for that degree of improvement, and for five years more for each additional foot of depth of said bar, caused by said company, within the term of ten years aforesaid; provided, such right of collecting tonnage duties shall be discontinued whenever the United States, or this State, shall undertake, by actual work, to improve said bar to a depth greater than that intended and attainable by any work of the company then in progress of execution, and whenever the fair cost of the company's improvement of said bar shall have been refunded in cash by other means than said duties, which shall be instead of interest.

Sec. 3. The company for any of its improvements shall have right of way and of stations, according to the charter, on any public lands, whether covered by water or not, and right of property in any flats, shallows, reefs and islands connected with or near to any of said roads, between the main land and the main gulf, inclusive of the large islands bordering the latter; and for any such road, other than a railroad, in a bay, the company may acquire such lands by location, survey and patent, on any valid land claim, in the usual mode, within the distance of one mile from such road, and in case any such road shall be a good and substantial railroad with suitable iron rails, the company may acquire such lands by survey and patent, without any other claim within the distance of two miles from such railroad, within the bay.

And within a bay, where there may be doubt of the district to which the lands belong, they may be surveyed for any of the purposes aforesaid by the surveyor of any district adjacent to the bay.

And the roads aforesaid, within a bay, shall be part of

the system of improvements of the company, which shall have on these roads similar rates of charges to those provided in the original charter for a turnpike or railroad respectively.

Provided, that no drawbridge shall be constructed across the ship channel now existing, or which may hereafter be constructed between Corpus Christi and Aransas pass; provided also, that a certain island known as the "shell bank," situate at the eastern terminus of Corpus Christi Bayou, shall not be subject to location or occupancy under the provisions of this act; and further provided, that the rights herein granted shall not interfere with any right granted to any other person, natural or civil; and provided further, that said company shall have a majority of its directors resident in this State, and shall hold all its elections for directors and other officers within this State; and after the first of the year eighteen hundred and sixty, shall keep its principal office at one of its road stations.

Sec. 4. The company may change the location of any of its improvements, as it may deem best, to any distance within five miles of the original location, subject to the same terms; but the company's system of roads shall be restricted to the roads aforesaid within a bay, and extend to any part of the town at the coast terminus, and to the principal turnpike from Goliad to the coast terminus, and a branch therefrom to a point on the Rio Grande river, at or near to Cariso; subject to any right that now exists or may hereafter be granted to the city of Corpus Christi, or other authority, to improve the Corpus Christi reef; and the right to make the principal Turnpike aforesaid from Goliad to the coast terminus, shall terminate with the year eighteen hundred and fifty-eight, and the right to make the branch aforesaid, shall terminate with the year eighteen hundred and sixty; and the company shall not have the right of changing either said principal turnpike or said branch into a railroad, under the original charter, and the acceptance of this supplement by said company shall be a relinquishment of all right to make roads or to obtain lands therefor under the original charter or this supplement, except as herein specified.

Sec. 5. In view of the modified provisions of the charter of said company, its capital stock shall be one million of dollars in value, of cash and other property; of which the property heretofore acquired by the company, shall constitute a part, and the company shall own in cash or its equivalent in

other property in value, at least five per cent of said capital stock, before proceeding otherwise to avail (itself) of the provisions of this supplement.

Sec. 6. This act shall be in force from its passage.

Passed, September 1st, 1856.

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CHAPTER CCCXXV.

An Act for the benefit of Elizabeth Reed.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue a certificate for twelve hundred and eighty acres of land to Elizabeth Reed, which may be located, surveyed and patented upon any of the vacant and unappropriated public land of the State not reserved for special purposes.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed, September 1st, 1856.

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CHAPTER CCCXXVI.

An Act for the relief of George Gordon.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be and he is hereby authorized and required to audit the claim of George Gordon for one hundred and fifty dollars, and that the Treasury of the State pay the same out of any money in the Treasury not otherwise appropriated.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed, September 1st, 1856.



## CHAPTER CCCXXVII.

## An Act for the relief of the heirs of Francis Mayhar.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to the heirs of Francis Mayhar, dec'd., a certificate for one league and labor of land, the same being the quantum of land to which said Francis Mayhar was entitled as a headright; and that said certificate may be located and patented in all respects as other headright certificates.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed, September 1st, 1856.

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CHAPTER CCCXXVIII.

## An Act for the relief of Robert S. Patton.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller is hereby authorized and required to draw his warrant on the Treasurer of the State of Texas, in favor of Robert S. Patton, for the sum of two hundred dollars, for money advanced in December, 1835, for fitting out volunteers for the army of Texas.

Sec. 2. That the sum of two hundred dollars be, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the payment of said draft. And that this act take effect from and after its passage.

Passed, September 1st, 1856.

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CHAPTER CCCXXIX.

## An Act for the relief of John B. Gaines.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to John B. Gaines a Bounty Land Warrant for three hundred and twenty acres of land, subject to be located, surveyed and

patented as other claims of a similar character, for his services of three months as a private under Captain A. E. C. Johnson, in the army of the Republic of Texas.

Sec. 2. That the Comptroller is hereby authorized and required to draw his draft upon the Treasurer of this State in favor of said Gaines, for the sum of twenty-four dollars, which amount is due and unpaid him for the three months service as alluded to in the first section of this act, and that the Treasurer is required to pay said draft out of any money in the Treasury not otherwise appropriated. And that this act take effect from and after its passage.

Passed, September 1st, 1856.

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## CHAPTER CCCXXX.

### An Act for the relief of Joseph H. Barnard.

Section 1. Be it enacted by the Legislature of the State of Texas, That it is hereby made the duty of the Comptroller of Public Accounts to draw his warrant on the Treasurer of this State in favor of Joseph H. Barnard, for the sum of two hundred dollars.

Sec. 2. That the sum of two hundred dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated, to pay the same, and the Treasurer is hereby authorized to pay the same on the presentation of said warrant. And that this act take effect from and after its passage.

Passed, September 1st, 1856.

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## CHAPTER CCCXXXI.

### An Act to authorize L. S. Owings and his Associates or Assigns to make and maintain a Toll Bridge across the San Antonio river.

Section 1. Be it enacted by the Legislature of the State of Texas, That L. S. Owings and his associates or assigns and their successors, be authorized to make and maintain a bridge across the San Antonio River, opposite the town of Helena in Karnes county, suitable for the passage of wagons, carriages

&c., and after completion of the same the proprietors shall be entitled to demand and receive the following rates of toll, viz: for each road wagon one dollar, for each cart fifty cents, for each carriage or other light vehicle fifty cents, for each animal and rider ten cents, for each footman five cents, for each single horse, mule or other animal five cents, for each animal (other than horses) in a drove two cents.

Sec. 2. That no person shall be allowed to construct any other bridge across the said river within ten miles of the bridge hereby authorized, for five years after its construction.

Sec. 3. That the privilege hereby granted shall extend for the term of thirty years.

Sec. 4. That the proprietors, after completion of said bridge, shall keep the same in good condition for use during the term aforesaid, and shall be liable for all damages resulting from a failure to do so.

Sec. 5. That in the construction of said bridge the navigation of the River shall not be obstructed. That the said L. S. Owings and his associates shall have the work completed in five years from the date of this charter, or they forfeit all rights to the same.

Passed, September 1st, 1856.

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## CHAPTER CCCXXXII.

### An Act to incorporate Jamestown Academy.

Section 1 Be it enacted by the Legislature of the State of Texas, That William Kennedy, W. B. Long, S. Alexander, S. D. Buchanan, M. N. Rogers, J. A. Hardin, Thomas Langford, Josiah Ogburn, Rev. Hall, and Thomas Lester, be, and they are hereby incorporated a body politic under the name and style of the Trustees of Jamestown Academy, capable in law of suing and being sued, of pleading and being impleaded, of holding property real, personal and mixed, of selling and conveying the same at pleasure, of having a common seal, of doing and performing whatsoever else, may be proper and necessary to be done for the advancement of said institution, not contrary to the laws and constitution of this State.

Sec. 2. That this charter and privilege shall extend to said Trustees and their successors in office, so long as they confine

their operations to the same, and the benefits thereof to the promotion of useful knowledge to the young, and the advancement of the sciences, and the said institution shall be accessible to all alike without regard to religious opinions.

Sec. 3. That the Trustees shall have full power to enact such by-laws, rules and regulations for the government of said Institution as may seem to them necessary for that object.

Sec. 4. That the Institution herein created shall be located in the town of Jamestown, Smith county. And this act take effect and be in force from its passage.

Passed, September 1st, 1856.

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### CHAPTER CCCXXXIII.

An Act authorizing C. C. De Witt of Gonzales county to construct a bridge across the Guadalupe River near the town of Gonzales.

Section 1. Be it enacted by the Legislature of the State of Texas, That C. C. DeWitt be, and he is hereby authorized to construct a bridge across the Guadalupe river at such place as he may select, within one mile of the town of Gonzales: Provided, such bridge shall not obstruct the navigation of the river.

Sec. 2. That said DeWitt shall construct said bridge, in a durable and workmanlike manner, within five years from the first day of January next, and shall keep the same in good repair, for all passengers, for the term of thirty years, from the completion of the same, and be ready at all times to pass all persons, carriages, wagons and teams, and stock that may wish to cross on said bridge.

Sec. 3. That said DeWitt shall be entitled to receive for the term of thirty years, from the completion of said bridge, the following tolls from all persons who may wish to cross, or whose carriages, wagons and stock may cross on said bridge; viz: for a four horse stage or wagon loaded or empty fifty cents, for a six horse wagon loaded or empty sixty cents, loaded wagon and one yoke of oxen sixty cents, each extra yoke of oxen ten cents, for empty wagon and one yoke of oxen forty cents, for two horse wagon loaded forty cents, for two horse wagon empty thirty cents, for two horse carriage thirty cents, for horse and buggy twenty-five cents, for loaded cart and one yoke of oxen thirty cents, for empty cart and one

yoke of oxen twenty-five cents, for man and horse ten cents, for led horse, five cents, for footman, five cents, for hogs, sheep and goats each one cent, for Mexican carts one yoke of oxen loaded, sixty cents, for Mexican cart one yoke of oxen empty, forty cents, for loose horses, mules or cattle each five cents; Provided, that after the expiration of ten years from the completion of the bridge, the above rate of toll shall be subject to amendment, or modification by the Legislature.

Sec. 3. That no other bridge shall be constructed across the Guadalupe river, within four miles of the bridge, said DeWitt may construct, until the expiration of this charter; provided, however, that should it become necessary within said time to construct a Railroad bridge across said river, that any Railroad company may construct a bridge within said limits for the passage of Railroad cars.

Passed, September 1st, 1856.

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#### CHAPTER CCCXXXIV.

##### An Act for the relief of Elisha T. Robinson.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Elisha T. Robinson, a certificate for three hundred and twenty acres of land, to be located, surveyed and patented according to law. And that this act take effect and be in force from and after its passage.

Passed, September 1st, 1856.

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#### CHAPTER CCCXXXV.

##### An Act for the relief of the heirs of Edward Wingate.

Section 1. Be it enacted by the Legislature of the State of Texas. That the Commissioner of the General Land Office, be, and he is hereby authorized and required to issue to the heirs of Edward Wingate a certificate for one-third of a league of land, which may be located on any public domain of the State, and on the return of the field notes, patent shall issue as in other cases. And that this act take effect from and after its passage.

Passed, September 1st, 1856.

CHAPTER COCXXXVI.

An Act for the relief of certain persons therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue certificates for the following named quantities of land to the following named persons respectively, to W. T. Patterson, a certificate for three hundred and twenty acres of land as headright; to James Lamb, for three hundred and twenty acres unconditional headright on his filing his conditional headright; to Stephen Westbrook, for twelve hundred and eighty acres unconditional certificate on his filing his conditional certificate; to Samuel J. Wood, for three hundred and twenty acres; to the Heirs of John Brown, deceased for six hundred and forty acres; to the Heirs of Benjamin Y. Gillin, for fourteen hundred and seventy-six acres; to the heirs of Lasa McKenzie six hundred and forty acres of land; to James W. Nichols, for six hundred and forty acres of land; to the Heirs of E. J. W. Lowery, for fourteen hundred and seventy six acres of land; to the Heirs of James Rose, deceased, for fourteen hundred and seventy six acres of land; to the Heirs of James R. Coombs, deceased, for fourteen hundred and seventy-six acres of land; to the heirs of Wm. Doran deceased for fourteen hundred and seventy-six acres; to the Heirs of A. Quigly, deceased, for fourteen hundred and seventy-six acres, which certificates when issued may be located, surveyed and patented as other genuine land certificates on the vacant domain of the State.

Sec. 2. That this act take effect from and after its passage.  
Approved, September 1ts, 1856.

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CHAPTER CCCXXXVII.

An Act to incorporate the Eastern Texas and Red River Insurance Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That W. H. Bristow, G. G. Gregg, G. W. Vivion, J. M. Taylor, G. B. Adkins, W. T. Scott, W. H. Cobb, C. A. Frazer, and W. A. Tarleton, their associates and successors, be and are hereby created and established a body corporate

and politic under the name and title of the Eastern Texas and Red River Mutual Insurance Company, with the capacity in said corporate name to make contracts, to have succession and a common seal, to make by-laws for its government and the regulation of its affairs; to sue and be sued, to plead and be impleaded, to grant and receive, and generally to do and perform all such acts and things as may be necessary and proper for or incident to the fulfillment of its obligations or the maintenance of its rights under this act, and consistent with the constitution of the State.

Sec. 2. Said company is hereby invested with the right to grant policies of insurance on all description of personal property, insuring against loss thereof by fire and against losses by transportation on Seas, and navigable Rivers.

Sec. 3. The parties named in this act are hereby appointed Commissioners and invested with the right of forming and organizing said company, and generally of exercising the power of Directors, until Directors are chosen or appointed by such persons as may subscribe to the stock of said company, when the powers of said persons shall cease.

Sec. 4. The Capital Stock of said Company shall be not less than \$250,000 nor more than one million, and shall be divided into shares of one hundred dollars each, each share entitling the owner thereof to one vote by himself or proxy at all meetings of said company; said shares shall be deemed personal estate and shall be transferable by any conveyance in writing, recorded by the Treasurer in books kept by him at his office, or in such manner as the by-laws of said Company shall provide.

Sec. 5. The immediate government and direction of the affairs of said company shall be vested in a Board of not less than six Directors, who shall elect one of their own number as President of said company; no person shall be eligible to the office of Director unless an owner or subscriber of at least five shares of the stock of said company; the Directors shall have power to fill any vacancy that may occur in said board from non-elections, death or otherwise, and may appoint a Secretary, Treasurer, and such other officers, and agents as they may consider necessary, and prescribe and require bonds for the faithful performance of their duties; they may, if not otherwise provided for by the by-laws, determine the manner of conducting all meetings, the number of members that

shall constitute a quorum, to do business and to do or cause to be done all the lawful matters and things, which may be deemed necessary and proper in conducting the affairs of the company; they may keep or cause to be kept accurate records of all meetings of the Directors and Companies, and accurate books of accounts of the receipts and expenditures of the Company, and all other books necessary and proper to be kept by such company, which shall be open to the inspection of the stockholders; a majority of the Board and all contracts in writing executed by the President and countersigned by the Secretary, or any other person or officer authorized by the Directors, under the seal of the company and in pursuance of a vote of said Directors shall be valid and binding.

Sec. 6. The shares may be disposed of and books opened for subscription thereto in any such manner, and on such terms as said commissioners shall determine will be for the best interest of said company, and any agreement in writing by which any person shall become a subscriber to the capital stock of said company, may be enforced against him according to its terms, and if any subscriber shall fail to pay any amount due upon shares subscribed by him according to the terms of his subscription, the directors may sell and transfer to the purchaser the share of such delinquent, and if the proceeds of sale shall not be sufficient to pay the amount due on said subscription, with interest and charges, such delinquent shall be held liable to the company for the deficiency; and if the proceeds shall exceed the amount so due, with interest and charges, said delinquent shall be entitled to the surplus.

Sec. 7. It shall be required of all stockholders to give a lien or mortgage on real property in such amounts as may be directed by the Board of Directors; provided, said directors shall not require said lien or mortgage to exceed in amount, a sum equal to double the amount of shares held by said stockholders; such property to be held liable by said directors to satisfy any losses that may accrue on the policies of insurance granted by said company.

Passed, September 1st, 1856.



## CHAPTER CCCXXXVIII.

## An Act for the relief of Elizabeth Finley.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Elizabeth Finley, a certificate for one league and labor of land, and that said certificate may be located, surveyed and patented according to the laws regulating the same, as on first class claims as issued by the Republic of Texas. And that this act take effect, and be in force from and after its passage.

Passed, September 1st, 1856.

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## CHAPTER CCCXXXIX.

## An Act for the relief of Thomas Bell.

Section 1. Be it enacted by the Legislature of the State of Texas. That the Commissioner of the General Land Office be, and he is hereby required to issue to Thomas Bell, a certificate for six hundred and forty acres donation land, and a certificate for three hundred and twenty acres bounty land, to which the said Bell is entitled for having been engaged in the reduction of Bexar, between the fifth and tenth of December, eighteen hundred and thirty-five, and that the certificates may be located and patented in the same manner as other donations and bounty land warrants.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed, September, 1st, 1856.

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## CHAPTER CCCXL.

An act supplementary to an amendatory of An Act to incorporate the Brazos Branch Railroad Company, approved February, 10th, 1854.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Act to Incorporate the Brazos Branch Railroad Company, approved February 10th, 1854, shall have

the same force and effect as if said road had been commenced within two years from the passage of said Act.

Sec. 2. That the 15th section of the above recited act be amended so as to read as follows:

Sec. 15. That if said road is not commenced within one year from and after the completion of the Galveston and Red River Railroad to the Navasota River and finished within five years thereafter this charter shall be null and void. Provided that the provisions of this charter shall not extend beyond the term of ninety years, and provided further that this company shall relinquish all roads or branches except a road from the town of Washington to a point of intersection with the Galveston and Red River Road at or near the Navasoto River.

Sec. 3. That this act shall take effect, and be in force, from and after its passage.

Passed, 1st, September, 1856.

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#### CHAPTER CCCXLI.

An Act for the relief of the heirs of Thomas O. Moody.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be, and he is hereby authorized and required to issue to Thomas O. Moody, a certificate for three hundred and twenty acres of land which may be located as other headright certificates.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Passed, September 1st, 1856.

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#### CHAPTER CCCXLII.

An Act for the relief of Wm. Wingate.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby authorized and required to issue a certificate for one third of a league of land, to the heirs of William Wingate deceased, to be located on any vacant Lands of the State, the said heirs paying the requisite charges for issuing the same. And that this act take effect from and after its passage.

Passed, 1st, September, 1856.

## CHAPTER CCCXLIII.

An Act to authorize James M. Waide to construct a Bridge across the Sabine river.

Section 1. Be it enacted by the Legislature of the State of Texas, That James M. Waide is hereby authorized to construct a bridge across the Sabine river, at or near a point one hundred and fifty yards above the old company known as Wynne's crossing on said river, in the county of Rusk, on the south and Upshur on the north bank of said Sabine river; the said Waide being the owner of the said land, on the south side, and that he shall cause to be paid or pay to the owner or owners of said land on the north side of said Sabine river, all such damages as he or they may sustain by the construction of said bridge, to be ascertained in the following manner: if the parties cannot agree as to the amount of damages, then it shall be lawful for the said Waide or the owners of the land on the opposite side of the river, to apply to the County Court of the county of Upshur, for the appointment of three Commissioners to assess the damage sustained by the owner or owners of said land, and it shall be the duty of said Court to appoint said Commissioners to assess the damage, and said Commissioners or a majority of them shall proceed to assess the damage, and in a reasonable time make their report to said court in writing, under oath, which report shall be recorded in the office of the Clerk of the County Court, and upon the payment of the amount of damages assessed by the Commissioners all cost incurred by said appointment to the person or persons entitled to receive the same; and if he or they shall refuse to receive the amount so adjudged, then and in that case, the amount of the damages shall be paid or deposited with the Clerk of the County Court by the said Waide, and after the payment of the damages as aforesaid in either case, then the said Waide shall have the right to construct the said bridge as aforesaid, and shall have the right of way to open a road from the town of Henderson, in Rusk county, crossing said bridge to the town of Gilmer in Upshur county, and the town of Marshall, in Harrison county, in the direction of Shreveport, Louisiana; provided, that said bridge shall be so constructed as not to obstruct or hinder the navigation of said river.

Sec. 2. That the rates of toll to be charged and collected by said Waide shall be fixed by the County Court of, and the

license tax shall be levied by the same Court; provided, that said Waide shall not be required to pay a license tax in but one county on said bridge.

Sec. 3. That said Waide shall in all respects be governed by the laws of this State, regulating roads, bridges and ferries, when the same shall not conflict with the provisions of this act.

Sec. 4. That said Waide shall have the right to use a sufficient quantity of timber for the construction of all causeways and bridges that may be necessary on the roads mentioned in section one, to be taken from the lands adjacent to said road or roads, for which he shall pay a reasonable compensation, to be determined as before provided by the County Court, in case any party shall object to the cutting of timber for such purpose.

Sec. 5. That said Waide shall commence the building of said bridge within one year from the passage of this act, and have the same completed within two years, and in case of failure, the said Waide shall forfeit all privileges hereby granted.

Sec. 6. That this act take effect from and after its passage.

Passed, September 1st, 1856.

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#### CHAPTER CCCXLIV.

##### An Act for the relief of the heirs of William B. Jordan.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby required to issue to the heirs of William B. Jordan, a headright certificate for one league and one labor of land. And that the same may be surveyed and patented according to law. And that this act be in force from its passage.

Passed, September 1st, 1856.

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#### CHAPTER CCCXLV.

##### An Act requiring the Commissioner of the General Land Office to issue patents on two land certificates herein mentioned.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby required to issue a patent on conditional certificate No.

92, issued by the Board of Land Commissioners of the county of Robertson, the 25th day of November, 1839, for three hundred and twenty acres of land, to Charles Hill; and also to issue a patent on conditional certificate No. 375, 2d class, dated January 4th, 1840, for six hundred and forty acres of land, granted to Jeremiah Fisher by the Board of Land Commissioners of Liberty county, which has been located and surveyed in Liberty Land District; provided, always, that the surveys made thereon shall not conflict with any other survey, and are in all respects in conformity with law.

Sec. 2. That this act take effect from its passage.

Passed, September 1st, 1856.

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#### CHAPTER CCCXLVI.

##### An Act for the relief of Egbert Grant.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Egbert Grant a certificate for three hundred and twenty acres of land.

Sec. 2. That this act take effect from and after its passage.

Passed, September 1st, 1856.

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#### CHAPTER CCCXLVII.

##### An Act to incorporate the town of Mount Pleasant, in Titus County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Mount Pleasant, Titus county, be and are hereby declared a body politic and corporate, under the name and style of the corporation of the the town of Mount Pleasant, by which name they may sue and be sued, plead and be impleaded, and acquire and hold real and personal property within the limits of said corporation, and at their pleasure sell and dispose of the same.

Sec. 2. That the limits of said corporation shall extend to the present limits of said town, one-half mile square.

Sec. 3. That it shall be the duty of the Chief-Justice of the county to order an election to be held as early as practica-

ble after the passage of this act, giving five days notice thereof for the election of one Mayor and five Aldermen and a constable, who shall hold their offices for the term of one year from the time of their election, and until their successors are duly qualified. The said Mayor and Aldermen shall elect from their own body a Secretary and Treasurer. The Treasurer and Constable shall be required to give bond with security to be approved of by the Mayor for the faithful performance of their duties, and to make reports when required by the Mayor and Aldermen. The Mayor shall have and exercise all the powers and jurisdiction of a Justice of the Peace, and before entering upon the duties of his office, he shall take the oath prescribed in the Constitution, and give such bond with securities as Justices of the Peace are required to give; the Constable shall have and exercise all the powers, and discharge all the duties within said corporation of a Constable of the county, and before entering upon the duties of his office, he shall give bond with security to be approved by the Mayor.

Sec. 4. That the Mayor and Board of Aldermen of said corporation shall have power to pass such rules and ordinances as may be necessary for the regulation of the police, and the preservation of order within the limits of said corporation, to levy taxes for the removal of nuisances and keeping the streets in order, and to call out the citizens subject to road duty to work the streets; provided, that no person shall be required to work more than ten days in any one year, and they shall be exempt from all road duty in the limits of the county of Titus, and prescribe penalties for the violation of said ordinances and by-laws; provided, that in no case it shall exceed the sum of one hundred dollars.

Sec. 5. That the Mayor, with a majority of the said Board of Aldermen, shall constitute a quorum for the transaction of business; they may enact and enforce such rules and regulations as they may deem necessary for the government of said corporation; provided, that the same do not conflict with the constitution or laws of the State.

Sec. 6. That no person shall be eligible to hold an office in said corporation or vote for the officers thereof, unless he be a citizen of the State, and shall have resided in the limits of said corporation, six months immediately preceding such election; provided, that all persons living in said corporation, legally qualified to vote in other elections, shall be entitled to vote and hold office at the first election.

Sec. 7. That it shall be the duty of the Mayor to cause an election to be held annually at least ten days before the expiration of his office, after giving at least ten days notice thereof, for a Mayor and Aldermen and Constable, who shall enter upon the duties of their respective offices upon the expiration of the term of their predecessors.

Sec. 8. That in case of the failure of the Mayor to order and hold such election as specified in the foregoing sections, then any three citizens within the limits of said corporation, may, after giving ten days notice, order and hold such election.

Sec. 9. That this act take effect and be in force from and after its passage.

Passed, September 1st, 1856.

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## CHAPTER CCCXLVIII.

### An Act for the relief of Adolphus Glaevecke.

Section 1. Be it enacted by the Legislature of the State of Texas, That Adolphus Glaevecke, late Assessor and Collector of Cameron county, have the further time of one year from the passage of this act, to settle and pay his indebtedness to the State of Texas; provided, that said Glaevecke shall enter into bond payable in one year from the passage of this act, to the State of Texas, in double the amount of said Glaevecke's indebtedness, with good and sufficient security, to be approved by the District Attorney of the 12th Judicial District.

Sec. 2. That upon the payment of three thousand two hundred dollars to the Comptroller, the Comptroller is authorized to give a final discharge to said Glaevecke.

Sec. 3. That this act take effect from and after its passage.

Passed, September 1st, 1856.

CHAPTER CCCXLIX.

An Act for the relief of S. W. Pipkin.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be, and he is hereby authorized and required to audit and allow the claim of S. W. Pipkin for thirty-one dollars and fifty cents for services in the Vasques campaign, in the spring of 1842, and the Treasurer is hereby authorized to pay the same out of any money in the Treasury not otherwise appropriated.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed, September 1st, 1856.

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CHAPTER CCCL.

An Act requiring the Commissioner of the General Land Office to issue a land certificate to James McDonald.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to James McDonald a certificate for six hundred and forty acres of land which may be located and patented as other second class headrights; provided, said McDonad has not heretofore received land by virtue of his immigration.

Sec. 2. That this act take effect from and after its passage.

Passed, September 1st, 1856.

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CHAPTER CCCLI.

An Act Amendatory of and supplementary to an Act to establish the Galveston and Red River Railway Company, and the several Acts Supplemental thereto:

Sec. 1. Be it enacted by the Legislature of the State of Texas, That the Galveston and Red River Railway Company may change its name to that of the Houston and Texas Central



Railway Company, and by that name may sue and be sued grant and receive, and generally do and perform all such acts and things as they could legally do under their present name; and all acts heretofore done in said name shall be as binding upon said company and in favor of said Company upon third parties in said new name as they were under the first name; and said change of name shall in no way forfeit or change any rights or liabilities now existing between said Company and the State or third parties; Provided that this act shall first be accepted by the President and directors of said company and notice of said acceptance shall be filed in the office of the Secretary of State.

Sec. 2. That said company shall have the right to cross any navigable stream, by ferry, bridge or otherwise, and shall have the right to acquire and exercise such ferry privileges as may be necessary for its business, and said Road crossing any such stream by a good and convenient ferry, shall be considered as continuous as if crossing upon a bridge; Provided, the same shall not obstruct the navigation of any such stream.

Sec. 3. That a failure to complete the second section of twenty-five miles of the Road of said company within one year after the construction of the first section, shall not work a discontinuance as to said company of the benefits of the Act entitled "An Act to encourage the construction of Railroads in Texas by donations of lands," or of any other general or special laws relative to railroads, if said company shall have completed their second and third sections amounting to at least fifty miles at the expiration of two years after the construction of said first section.

Sec. 4. That section twelfth of the act supplementary to the act to establish the Galveston and Red River Railway Company passed February eighteen hundred and fifty two be, and the same is hereby amended so as to read as follows: said company shall have the right to demand and receive such rates and prices for the transportation of passengers and freight as they may think proper to establish, not to exceed five cents per mile for passengers and fifty cents per hundred and twenty five cents 'per foot' for freight per every hundred miles the same may be carried.

Sec. 5. That this act take effect and be in force from and after its passage.

Passed, September, 1st, 1856.

CHAPTER CCCLII.

An Act for the relief of Allen Hines.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Allen Hines a patent to the league of land titled to said Hines on the 28th day of November, 1835, by Commissioner, G. W. Smyth, or so much thereof as has not been adversely appropriated, and issue a certificate for the residue of said league of land so appropriated, if any there should be, which may be located and patented on any of the vacant and unappropriated lands of the State.

Sec. 2. That if the said Allen Hines, shall have ever sold aliened or conveyed any part of the land hereby authorized to be patented to him, then the title hereby authorized to be issued shall inure to and vest the property in the land so sold aliened or conveyed in such vendee or vendees of said Hines their heirs or assigns.

Sec. 8. That this act take effect from and after its passage.  
Passed, September, 1st, 1856.

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CHAPTER CCCLIII.

An Act for the relief of William Carleton.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby and required to issue to William Carleton, a certificate for one league and labor of land as a donation for his services in the capture of Goliad in 1835, to which he is entitled as his head-right, which may be located and patented, as now provided by law, in other cases.

Sec. 2. That the said Commissioner be and he is hereby required to issue to the said Carleton a certificate for three three hundred and twenty acres of land, to which he is entitled for military services in the capture of Goliad from the Mexicans in the year 1835; which certificate may be located and patented as in other cases.

Sec. 3. That the Comptroller be, and he is here-

by required to draw his warrant upon the Treasurer in favor of the said Carleton, for the sum of twenty-four dollars, to which he is entitled as pay for his said services, and the Treasurer is hereby required to pay the same out of any money in the Treasury not otherwise appropriated.

Sec. 4. That this act take effect from and after its passage.

Passed, September, 1st, 1856.

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#### CHAPTER CCCLIV.

##### **An Act for the relief of Mary Williams, widow of Hezekiah Williams.**

Section 1. Be it enacted by the Legislature of the State of Texas, That there be and is hereby donated to the widow of Hezekiah Williams, a certificate for six hundred and forty acres of land, and that the Commissioner of the General Land Office is hereby required to issue a certificate for the same which may be located and patented as headright certificates.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed, September, 1 1856.

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#### CHAPTER CCCLV.

##### **An Act to Incorporate the Houston Tap and Brazoria Railway Company.**

Section 1. Be it enacted by the Legislature of the State of Texas, That E. W. Taylor, John Dickinson, William M. Rice, B. A. Shepherd, Cornelius Ennis, Thomas S. Lubbock, Henry Sampson, A. Underwood, Thomas J. Coffee, J. D. Walters, J. Greenville McNeil, John Adriance, S. W. Perkins, A. Jackson, W. J. Hutchins, M. S. Munson and W. R. Baker, be, and they are hereby appointed Commissioners to open books and receive subscriptions to the capital stock of a Corporation to be styled the Houston Tap and Brazoria Railway Company; but they shall receive no subscription to said capital stock except such as hereinafter specified, unless five per

cent thereof in cash shall be paid to them at the time of subscribing; and should they receive such subscriptions to aids stock without such payment, they shall be personally liable to pay the same to said corporation when organized. A majority of said commissioners shall constitute a quorum to do business, and they may hold meetings at such times and places as a majority shall designate, public notice of which shall be given in some newspaper upon the line of said road.

Sec. 2. That the subscribers to said capital stock, whenever they shall have elected directors in the manner hereinafter provided, shall be, and they are hereby created and constituted a body corporate and politic, under the name and style of the Houston Tap and Brazoria Railway Company—with capacity in said corporate name to make contracts, to have succession and a common seal, to make by-laws for the government and regulation of the affairs of said Company; to sue and be sued, to plead and be impleaded, to grant and receive, to buy, sell and hold, real and personal estate, for the purpose of constructing and maintaining said road, and generally to do and perform all such acts as may be necessary and proper for or incident to the fulfilment of its obligations and purposes for the maintenance of its rights under this Act, in accordance with the Constitution and laws of this State.

Sec. 3. That the capital stock of said corporation, shall not be more than one million of dollars, and may be divided into shares of not less than twenty-five nor more than one hundred dollars each, as shall be regulated by the by-laws of said Company. All votes of stockholders shall be governed by the respective shares of each, and a majority of all the shares shall be considered a majority of the stockholders. Each share shall entitle the owner thereof to one vote in person or by proxy at all meetings of the Company, and the shares shall be deemed personal estate, and shall be transferable by any conveyance in writing, recorded either by the Treasurer or any other officer duly authorized by the Directors, in books to be kept by such officer, at such place as the Directors may appoint.

Sec. 4. That said Corporation shall be and is hereby invested with the right of locating, constructing, acquiring, owning and maintaining a Railway, commencing at or in the city of Houston, and running thence to the Buffalo Bayou, Brazos and Colorado Railway, entering and connecting with said Railway at a point not more than nine miles from the town of

Harrisburg, and thence running by such course to such points on the Brazos river in the county of Brazoria, and on the Colorado river as may be found most suitable—with the privilege and right of having the freights, passengers, merchandize and cars of said Company, at all reasonable times and for a reasonable compensation, carried and drawn over said Buffalo Bayou, Brazos and Colorado Railway, upon the terms and under the rules and restrictions provided in section second of an act entitled an act to amend the thirteenth, sixteenth and seventeenth sections of the act to incorporate the Buffalo Bayou, Brazos and Colorado Railway Company, passed January 1852, and the general laws regulating Railroad Companies; and if said companies or corporations shall be unable to agree upon the compensation aforesaid to be paid, the President of each of said companies shall choose one man as a commissioner, and these two shall select a third man as umpire, neither of whom shall be a stockholder in either road or interested therein, and they shall fix the rates; and they shall not be changed for one year from the time of going into effect; the said commissioners shall also fix the stated periods at which said cars are to be drawn as aforesaid, having reference to the convenience and interest of said corporations, and the public who shall be accommodated thereby.

Sec. 5. That said commissioners herein named, or the board of Directors elected by the stockholders of said corporation, are hereby authorized to make any contract, agreement or stipulation with the Mayor and Aldermen of the city of Houston, for the purpose of acquiring the Railway now being constructed by said city of Houston between said point and the Buffalo Bayou, Brazos and Colorado Railway, and adopting the same as a part of the Railway of this Company, or uniting it in any other manner with the Railway of this Company. And said commissioners or board of directors, are hereby authorized to make any contract or stipulation with said Mayor and Aldermen of the city of Houston, to receive said Railway above mentioned, as located and constructed, or as may be located and constructed, at the time of entering into said agreement, and all work done upon the same, and subscription of stock and material in the same, at the cost or valuation of the same, as so much stock in the Houston Tap and Brazoria Railway Company, and upon such other terms and conditions as may be agreed upon and stipulated between said parties; and the acts of the Mayor and Aldermen of the city

of Houston in designating, locating and constructing said Railway from the city of Houston to the Buffalo Bayou, Brazos and Colorado Railway, under section 10th of the act incorporating said last mentioned company, and all other acts done and performed relative to the same, are hereby declared as legal and valid, as if done under the provisions of this act. And all subscription of stock and other contracts or agreements entered into relative to said road, and all rights, liens and equities acquired relative to the same, shall be as binding and valid, and have the same force and effect upon this Company, as if entered into under this act. And all liabilities, contracts and agreements of the city of Houston relative to said road, and all liens given by said city upon the same, shall be still binding upon the section of said road for which and on which the same were made, and upon this Company, after the formation of said contract uniting said road with the road of this Company; and the said commissioners or board of Directors are hereby authorized to issue certificates of stock for the value of said road and property and assets so transferred by the city of Houston to said Company, either directly to the city of Houston, or to such persons as may be directed by the Mayor and Aldermen of said city; and said commissioners or board of Directors are hereby authorized to receive additional subscription of stock from said city of Houston to said Houston Tap and Brazoria Railroad in the bonds of said city, under the provisions of an act entitled an act to permit the city of Houston to levy a special tax for Railroad purposes, and may in like manner issue certificates of stock to said city of Houston, or such person or persons as may be directed by the Mayor and Aldermen of said city; but said first section or Houston Tap shall be completed before the value of said road shall be regarded as so much paid stock in this Company; and the liabilities of said Tap road shall remain a charge exclusively upon said section of road, and shall in no case become a charge upon the section of said road extending from the Buffalo Bayou, Brazos and Colorado Railroad to the county of Brazoria. Provided, that if the city of Houston shall, under the provisions of this act, unite with the Houston Tap and Brazoria Railroad Company, and accept of the benefits of this act, then the rights of the city of Houston under section 10th of the act entitled an act to incorporate the Buffalo Bayou, Brazos and Colorado Railway Company, passed February 11th 1850, shall cease to exist, and shall be gov-

erned entirely by the provisions of this act; and said section 10th shall then be wholly inoperative with regard to the rights of said city of Houston or this Company.

Sec. 6. That said commissioners of the board of Directors shall have power to receive further subscriptions to the capital stock of said corporation from time to time in the bonds of said city of Houston, or any other city or county which may be permitted by law to subscribe and take stock in railroads; provided said Company shall take no bonds of any such city or county for a greater amount than what special provision is made to pay the annual interest upon by direct taxation; and said Company shall be bound to pay the principal and interest of any such bonds received and paid out by it upon failure of any such city or county to pay the same regularly at maturity. And such Company shall issue to any city or county so taking stock in said Railroad corresponding certificates of stock. All subscriptions of stock made in the counties of Brazoria, Wharton and Fort Bend, shall be applied exclusively to the extension and construction of said second section of said road, from the Buffalo Bayou, Brazos and Colorado Railway, unless otherwise limited by said subscriptions.

Sec. 7. That said Company may issue certificates of stock for any work done upon said road, or for any materials or supplies furnished said Company for said road, and may by the vote of a majority of the stockholders, cause certificates of stock to be issued in payment of any debt contracted for the construction or equipment of their road, but no certificate of stock shall at any time be issued at less than par. Any agreement in writing whereby any person shall become a subscriber to the capital stock of said Company, shall be enforced against him according to its terms, if any subscriber shall fail to pay any amount due upon shares subscribed for by him; according to the terms of his subscription, the Directors may after twenty days public notice, sell at public auction the shares subscribed for by said delinquent, and transfer to the purchaser of such shares; if the proceeds of sale shall not be sufficient to pay the amount due with interest and charges, such delinquent shall be held liable to the Company for the deficit; and if the proceeds shall exceed the amount so due with interest and charges, he shall be entitled to the surplus.

Sec. 8. That the immediate control and direction of the affairs of said corporation, shall be vested in a board of not less than five Directors; said Directors shall elect one of their

own number to be President of the Company, whenever seventy-five thousand dollars of the capital stock of said corporation shall have been subscribed, and five per cent. thereof shall have been paid to the commissioners hereinbefore named, either in cash or in work done and performed along the line of said road; they shall cause an election to be held by said subscribers at the city of Houston, for not less than five Directors, having first given public notice of the time of said election in some newspaper published in said city; after which said commissioners shall account for and pay over to said Directors all such sums as they shall have received of the capital stock of said Company, first deducting a reasonable compensation for their services as commissioners. No person shall be eligible to the office of Director, unless he be a subscriber or owner of at least three shares of the capital stock. The Directors shall have power to fill any vacancy in their body arising from non-election or other cause; they shall have power to appoint a Clerk, Treasurer, or any other officers or agents as they may deem necessary, and prescribe and require bonds for the faithful performance of their duties. They may make all necessary regulations and rules for holding of meetings, and all other things they may deem proper for the carrying out the provisions of this charter and business of the Company; they shall keep correct records of all meetings of the Directors and Company, and accurate books and accounts of the receipts and expenditures of the Company, and all other books and accounts necessary and proper to be kept by such Company, which books shall be open to the inspection of the stockholders. A majority of the Board of Directors shall have the power of a full board, and all conveyances and contracts executed in writing signed by the President and countersigned by the Treasurer, or any other officer duly authorized by the Directors under the seal of the Company, and in pursuance of a vote of the Directors, shall be valid and binding.

Sec. 9. That it shall be lawful for the Company to purchase and hold any land that may be necessary for the purpose of locating, constructing and maintaining said Railway, and entering into, connecting with, and intersecting said Buffalo Bayou, Brazos and Colorado Railway, with all necessary depots and other buildings, and to by their engineers or agents enter upon and take possession of all such lands as may be necessary for the locating, constructing and maintaining said Railway and if they should not be able to obtain such lands



by agreement with the owner, they shall pay for the same such amounts as shall be determined in the manner provided in the following section; the land so taken without agreement shall not exceed fifty yards in width, and for depots and buildings only such further width as may be necessary. It shall also be lawful for said Company in like manner to take and hold such land as may be necessary for them to cross any river or other stream either by bridge, ferry or otherwise. Provided, that if said Company shall cross any navigable stream, they shall do it so as not to interfere with its navigation.

Sec. 10. That any person from whom land has been taken for the purpose set forth in the preceding section, may apply to the District Court of the county wherein said lands, or a part of the same are situated, for the appointment of appraisers; and said Court, after proof that the President or other officers of the Company, has been served with a notice describing the land ten days before the holding of the Court, the Court shall thereupon appoint three disinterested freeholders, citizens of the county, who shall appoint a time and place to hear the application; and the Company to whose Agent or President a reasonable notice shall be given by the Court, of said time and place, and said freeholders being sworn, shall after hearing the parties, determine the amount of compensation as aforesaid, and make return of their award to said Court at its next term, and said award may be confirmed, or for any sufficient reason rejected by said Court, in the same manner as awards by arbitrators under a rule of Court; and if confirmed by the Court, judgment shall be rendered thereon as in other cases. In determining the amount of compensation to be paid as aforesaid, freeholders shall be governed by the actual value of the land at the time it was taken, taking into consideration the benefit or injury done to other neighboring lands of the owner by the establishment of said Railway. If in any case the amount found by the arbitrators shall not exceed the sum proved to have been offered by the Company to the owner prior to his application to the Court, the owner shall pay the cost of proceedings, otherwise the Company shall pay the cost.

Sec. 11. That said Company shall have power to borrow money on their bonds or notes at such rates as the Directors may deem expedient, and to secure the same by mortgage, or other liens upon their road or other property; provided that nothing in this act shall be so construed as to confer banking

privileges of any kind. And said Company is hereby authorized by the vote of a majority of the stockholders, to unite with any other Railroad Company, converting the stock assets and property with that of any other Company into one Railroad Company, and said road so united, or any portion of the same, may be managed and controlled by one Board of Directors, and as one road and under such name and style as may be fixed upon by agreement; provided the name of one of said Companies so uniting, shall be retained.

Sec. 12. That said Company may adopt the section of road between the city of Houston and the Buffalo Bayou, Brazos and Colorado Railway, as a part of its road; but if said Company does not extend said road ten miles from said point of intersection with said Buffalo Bayou, Brazos and Colorado Railway; within three years after the completion of said first section, the right to extend said road from said point of intersection shall be forfeited.

Sec. 13. That upon the written request of one-fourth of the stockholders, or whenever he may think the interest and business of the Company require it, the President of the Company shall call a meeting of the directors, and upon the written demand of three-fourths of the stockholders, the President shall remove any one or the whole of the Directors, and order a new election within thirty days, which Directors so elected shall hold their offices until the time prescribed for the next regular election. All elections for Directors and other officers shall be held in the State of Texas, and a majority of the Board of Directors and the principal officers of said Company shall be residents of the State of Texas.

Sec. 14. That the Company is hereby required at all reasonable times and for a reasonable compensation, to draw over their road the freights, passengers, merchandize and cars of the Buffalo Bayou, Brazos and Colorado Railway Company, or of any other railroad corporation which has been or may hereafter be authorized by the Legislature to enter with their railroad, and connect with the railroad of this Company, under the rules and restrictions prescribed in the general Railroad laws and this Charter; and if the respective Companies shall be unable to agree upon the compensation aforesaid, it shall be the duty of the President of each Company to select each one man as a commissioner, and the two commissioners so selected shall choose a third in case of a disagreement, neither of whom shall be a stockholder in either road or interested there-

in, and they shall fix the rates, which shall not be changed for one year from the time of going into effect; the said commissioners shall also fix the stated periods at which said cars are to be drawn as aforesaid, having reference to the convenience and interests of said corporations and the public who shall be accommodated thereby. The right or power is especially conferred on this Company, to connect with any railroad company heretofore or hereafter chartered by this State, for the performance of like transports, and in case of disagreement between companies, the same shall be referred and settled as aforesaid, to be binding for one year as aforesaid.

Sec. 15. That this Company may adopt the same gauge that is used by the Buffalo Bayou, Brazos and Colorado Railroad Company, and shall be subject to the provisions and entitled to all the rights, privileges and benefits accruing from any general law or laws which have been, or may hereafter be enacted by the State, to encourage the constructing of railroads, in the same manner and to the same extent as if the gauge of said road was the same now fixed, or which may be hereafter fixed upon by this State. That this Company shall have the right under this charter, within three years after the passage of this act, to construct a section of the road from Columbia on the Brazos river, to such point in Wharton county as may be designated by a majority of the stockholders residing in the county of Brazoria and Wharton. And the Company building this section of the road shall keep their office at Columbia in Brazoria county. That this act take effect from its passage, and shall expire in ninety years, unless it shall be renewed or extended.

Passed, September 1st, 1856.

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#### CHAPTER CCCLVI.

##### **An Act authorizing Grover Wells to construct a Bridge across the East Fork of Trinity River.**

Section 1. Be it enacted by the Legislature of the State of Texas, That Grover Wells be, and he is hereby authorized to construct a bridge across the East Fork of Trinity river at or within one mile of the point commonly known as Well's Ferry on said stream.

Sec. 2. That said Wells shall have the right of way from said bridge; and the privilege of opening a road thirty feet wide for said bridge when constructed, on both sides of said stream, through the bottom of the same; provided that said Wells pay the owner or owners of the land, through which said road may pass, such damage as the County Court of Kaufman County may assess.

Sec. 3. That said Wells shall construct said bridge in a durable and substantial manner, within two years from the passage of this act, and shall keep the same in good repair for all passengers, for the term of twenty-five years from the completion thereof, and be ready, at all times, to pass all persons, carriages, wagons and teams, and stock, that may wish to cross on said bridge.

Sec. 4. That said Wells shall be entitled to receive for the term of twenty-five years, from and after the completion of said bridge, the following rates of toll from all persons who may cross on said bridge, viz: For a four horse coach, fifty cents; for a four horse wagon loaded, one dollar; for an ox road team, one dollar; for a two horse wagon loaded, fifty cents; for a two horse carriage, fifty cents; for empty wagons of the above description, half of the above rates; for a man and horse, ten cents; for loose horses, five cents per head; for hogs, sheep and goats, two cents per head.

Sec. 5. That no other bridge shall be constructed across said stream for the term of twenty-five years, within two miles of said bridge; provided, however, that should it become necessary within said time to construct a railroad bridge across said stream, that any railroad company may construct a bridge within said two miles across said stream.

Sec. 6. That after the expiration of twenty-five years from the completion of said bridge, the same with all the appurtenances shall revert to the county of Kaufman, and said county shall thereafter be the sole owner of the bridge, and that this charter shall, at all times, be subject to alteration, or modification by the Legislature.

Sec. 7. That this act take effect and be in force from and after its passage.

Passed, September 1st, 1856.

## CHAPTER CCCLVII.

**An Act to incorporate the Texas Insurance and Saving Fund Association.**

Section 1. Be it enacted by the Legislature of the State of Texas, That Thos. B. Lincoln, J. W. Flannagan, M. D. Ector, S. C. Thompson, Ambrose W. Thompson, Michael G. Bright, John S. King, R. W. Latham, J. Harvey Parsons, Wm. Stedman, and B. Smither, their associates and successors and assigns be, and they are hereby created a body corporate and politic, under the name, style and title of the Texas Insurance and Saving Fund Association, and by such title shall have perpetual succession, and be capable to sue and be sued in all courts of law or equity and shall have power to make all manner and kinds of insurances, receiving therefor such **customary rate of premium as may be stipulated and agreed upon** in the respective policies issued in consideration therefor, and if said premium shall not be paid, then no liability shall exist on the part of the association for any policy which may have been taken out under promises of payment until such payment shall actually have been made by the party intended to be insured, or by his, or her, or their agents, factors or assigns unless it shall be provided by special agreement between the insured and the association, that such premium shall be a lien upon the property insured in which case the policy shall be **as binding as if the premium had been paid in cash.**

Sec. 2. That the said Texas Insurance and Saving Fund Association shall be, and they are hereby authorized and empowered to accept and execute trusts of any and every kind, to receive on deposit from any courts of the State funds which are or may be held in trust thereby, during litigation, and to pay interest on the same at such rate as may be agreed upon, not exceeding the legal rate of the State, and on similar conditions to receive on deposit from any individual, firm, or corporate body, money for safety or investment, and so invest, re-invest, keep invested or pay out on demand or on such notice as may be stipulated, all monies so deposited, and they shall represent the said deposit by such receipt book, entry or certificate, as may be agreed upon, the forms of each of which shall be duly set forth in the by-laws of said association.

Sec. 3. That each department of insurance business shall be kept separate, and in separate and distinct books from the

other departments, and that the trust and saving fund departments shall be separate and distinct from each and all the Insurance departments and fully recorded in separate and distinct books of account, and none of the funds received in trust or on deposit shall in any way be mixed, blended or used in the Insurance department.

Sec. 4. That it shall be lawful for the said association to invest their funds in certificates of lands of the United States, or of any of the separate States of the United States, or in the corporate securities of the State of Texas, or in bonds and mortgages, on real estate, on bottomry or respondentia bonds, or mortgages of vessels and in advances on personal property, and such other securities as a majority of the Board of Directors shall deem advisable.

Sec. 5. That the capital of the said Texas Insurance and Saving Fund Association, shall be five hundred thousand dollars, divided into shares of twenty-five dollars each, which shares shall be represented by certificates, and each share shall be entitled to one vote.

Sec. 6. When one hundred thousand dollars shall have been subscribed, and the first instalment of one-tenth thereon paid in, the corporators shall call a meeting of the shareholders at such time and place as they may determine, giving not less than two weeks' notice thereof, in at least two of the public newspapers of Texas, published in or near the town of Henderson, and the shareholders who may assemble pursuant to such notice, either in person or by proxy, shall elect by ballot seven of their number as a Board of Directors for the ensuing year, and annually thereafter the shareholders shall elect Directors in such manner as may be prescribed in the by-laws, but if from any cause such election shall not be had, the corporation shall not be dissolved thereby, but the then existing Directors shall continue until a new Board shall be elected; the Directors shall elect from their own number a President and Vice President, and shall appoint such officers and clerks as may be deemed fit and necessary; and the Board shall establish such by-laws for their government as a majority shall approve, and such by-laws from time to time alter and amend; provided that nothing therein shall be inconsistent with this act or with the laws of the State.

Sec. 7. That this act shall take effect and be operative from and after its passage.

Passed, September 1st, 1856.

## CHAPTER CCCLVIII.

## An Act for the relief of J. B. Brownrigg.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to J. B. Brownrigg a certificate for three hundred and twenty acres of land.

Sec. 2. That this act take effect from its passage.

Passed, September 1st, 1856.

## CHAPTER CCCLXIX.

## An Act for the relief of certain persons therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby required to issue an unconditional certificate to the heirs of Margaret Culbertson for six hundred and forty acres of land; also a certificate to the heirs of Allen Larrison for three-fourths of a league and labor of land; also a certificate to the heirs of George Brown for one league and labor of land in lieu of the headright certificate of the said George Brown for one league and labor of land in lieu of the headright certificate of the said George Brown, No. 238, issued in Brazoria County.

Sec. 2. That nothing herein contained shall be so construed as to authorize the Commissioner of the General Land Office to issue a certificate to any party when it shall appear that the parties applying have received the amount of land to which they were entitled. Said certificates to be located, surveyed and patented, as other first class certificates; provided, the same shall not be located upon any previously titled land. And that this act shall be in force from its passage.

Passed, September 1st, 1856.

## CHAPTER CCCLX.

An Act for the relief of David F. Owen and Abner B. Speer.

Section 1. Be it enacted by the Legislature of the State of Texas, That the State of Texas hereby relinquishes grants and conveys to David F. Owen, one league of land, lying in Burnett county, described by beginning at the S. W. corner of one-fourth league No. 2, from a black oak 6 in diameter, bears S. 44° E. 6, vs. and another black oak, 4 in diameter, bears S. 11° E 8 vs.; thence S. 71° W. 3333 1-3 vs. to a stake as S. W. corner of said league from which a Spanish oak 4 in dia. bears N. 18° E. 4 vs. and another Spanish oak 6 in dia. bears S. 1½° E. 22 vs.; thence N 19° E 7500 vs. to a stake as N. W. corner, from which a live oak 6 in dia. bears N. 2° W. 19 vs., and another live oak 7 in dia. bears N. 10° E 27 vs., crossed a branch of the San Gabriel with 1666 2-3 vs. crossed the San Gabriel with 4166 1-3 vs.; thence N 71° E. 3333 1-3 vs. to a stake as N E corner of said league from which a black oak 7 in dia. bears N 46½° W 9 vs. and a live oak 12 in dia. bears S 37½° W. 16 vs.; thence S 19° E 7500 vs. back to the beginning point, which tract is one league in superficies with 4-25 parts of arable land.

Sec. 2. Be it further enacted, That the State of Texas hereby relinquishes grants and conveys to Abner B. Speer one league of land lying in Burnett county and described by beginning at the N W corner of league No. 1, from which a live oak 6 in dia. bears N 2° W 19 vs. and another live oak 7 in dia. bears N 10° E 27 vs.; thence S 19° E 6000 vs. to a stake as S E corner of said league, from which a live oak 10 in dia. bears S 44½° W 17 vs. and another live oak 6 in dia. bears N 70½° E 33 vs., crossed two branches of the San Gabriel river; thence S 71° W 4166 2-3 vs. to a stake, as the S. W. corner of said league, from which a cedar 15 in dia. bears N 31½° E 4½ vs. and another cedar 24 in dia. bears S 80° W 3 vs. crossed a creek 4800 vs.; thence N 19° W 6000 vs. to a stake as N W corner of said league, from which an oak 20 in. dia. bears S 19° E 4½ vs. and a black oak 10 in dia. bears S 50½° W 36 vs.; thence N 71° E 4166 2-3 vs., back to the beginning, the said two leagues of land, being the same which were originally surveyed for said Owen and Speer, in August, A. D. 1835.



Sec. 3. Be it further enacted, That this act shall not interfere with the rights of third parties. And that this act shall take effect from and after its passage.

Passed, September 1st, 1856.

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#### CHAPTER CCCLXI.

An Act to authorize the Commissioner of the General Land Office to patent three hundred and twenty acres of land to Leven J. Martin.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby authorized and required to issue a patent to Leven J. Martin, for three hundred and twenty acres of land, in virtue of his settlement in 1852, on the return of the proper field notes, that the surveyor of the county of Harrison is hereby authorized to make the survey in accordance with the law existing at the date of settlement, and make due return thereof to the General Land Office.

Sec. 2. That this act be in force from and after its passage.

Passed, September 1st, 1856.

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#### CHAPTER CCCLXII.

An Act to incorporate Milam Lodge No. 23 of the Independent Order of Odd Fellows.

Section 1. Be it enacted by the Legislature of the State of Texas, That the officers and members of Milam Lodge, number twenty-three of the Independent Order of Odd Fellows, located in the city of Austin, in the county of Travis, in this State, their successors in office and such as may hereafter become members of said Lodge, be, and they are hereby declared and constituted a body corporate and politic, by the name and style of "Milam Lodge Number twenty-three of the Independent Order of Odd Fellows," and by that name may at all times hereafter be capable to have, receive and retain property, real, personal and mixed, and the same at their pleasure to dispose of; provided, the same shall not exceed

in value at any one time, the sum of "twenty-five thousand dollars;" and further provided, that if property exceeding said sum in value shall accrue to said Lodge, it shall have one year thereafter in which to dispose of the same.

Sec. 2. That said corporation by the name and style aforesaid, is hereby empowered to sue and be sued, plead and be impleaded, answer and be answered unto, in any court or before any judge or officer whatsoever, in all actions, matters or demands of any character whatsoever.

Sec. 3. That said corporation may have a common seal, and the same alter and change at their pleasure, and shall in general, have and exercise all rights, privileges and immunities, by law incident or necessary to corporations of the like kind. And that this act shall take effect and be in force from and after its passage.

Passed, September 1st, 1856.

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#### CHAPTER CCCLXIII.

##### An Act for the relief of Charlotte D. Ross.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Charlotte D. Ross, a certificate for one-half league of land, to be surveyed and located in the same way as other land certificates. And that this act take effect from and after its passage.

Passed, September 1st, 1856.

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#### CHAPTER CCCLXIV.

##### An Act to authorize James H. Dyer and Sampson C. Dyer to construct a Mill and a Mill Dam across the Brazos river.

Section 1. Be it enacted by the Legislature of the State of Texas, That James H. Dyer and Sampson C. Dyer be, and they are hereby authorized and allowed the privilege of owning and constructing a grist and flouring mill on and constructing a mill dam across the Brazos river, at the present location of said mill, south of Fort Graham, on said river, and on the western

boundary of Hill county, with the exclusive right of one mile above and below said mill; provided, that the dam shall not interfere with the navigation of said river.

Sec. 2. That this act take effect from and after its passage.

Passed, September 1st, 1856.

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#### CHAPTER CCCLXV.

##### **An Act for the relief of the heirs of Conrad Jergins.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized to issue to the heirs of Conrad Jergins, a certificates for three hundred and twenty acres of land, to which said Jergins was entitled as a bounty warrant for services in the army of Texas, in the year 1836, and that the same may be located and patented in all respects as other bounty and headright certificates, and that the Comptroller of Public Accounts audit and allow the claim of said heirs for twenty-five dollars, and that the Treasurer pay the same out of any money in the Treasury not otherwise appropriated.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed, September 1st, 1856.

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#### CHAPTER CCCLXVI.

##### **An Act for the relief of Almanzon Huston.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the Treasurer of the State be, and is hereby authorized and required to pay to Almanzon Huston, upon his order or receipt, the sum of fifty-eight dollars, out of any money in the Treasury not otherwise appropriated. And that this act shall take effect and be in force from and after its passage.

Passed, September 1st, 1856.

CHAPTER CCCLXVII.

An Act for the relief of the heirs of Thomas Harrell, dec'd.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to the heirs of Thomas Harrell, dec'd., a certificate for one-third of a league of land; also a bounty certificate for three hundred and twenty acres of land.

Sec. 2. That this act take effect from and after its passage.

Passed, September 1st, 1856.

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CHAPTER CCCLXVIII.

An Act to amend the "Act to incorporate the Buffalo Bayou, Brazos and Colorado Railway company."

Section 1. Be it enacted by the Legislature of the State of Texas, That a failure on the part of the "Buffalo Bayou, Brazos and Colorado Railway Company" to complete the second section of twenty-five miles of their road within one year after the construction of the first section, shall not work a discontinuance as to said company, of the benefits of the act entitled "an act to encourage the construction of Rail Roads in Texas by donations of Lands." If said Company shall have completed their second and third sections, amounting to at least fifty miles, at the expiration of two years after the construction of said first section.

Provided, that before said company shall be entitled to the benefits of this act, they shall establish a principal office on the line of said road and keep thereat all the books and papers necessary to show the state of their general and stock accounts, which together with the records of the company, shall be subject at all reasonable times to the inspection and examination of the stockholders, and provided, that a majority of the directors of said company shall be required to reside in the State of Texas, and all elections of directors and other officers shall be held in said State, and the directors may vote by proxy, and provided further that the act to regulate railroad companies approved 7th February 1856, shall apply to this charter, except so far as relates to the gauge of the said road

and that nothing in this act shall be so construed as to effect the right of the State to repeal or modify the act of January 30th, 1854, entitled "an act to encourage the construction of railroads in Texas by donations of land;" Provided that the rights to lands acquired before said repeal or modification shall in all cases be protected.

Passed, September 1st, 1856.

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## CHAPTER CCCLXIX.

### An Act for the relief of William Rawlins.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to William Rawlins a patent for three hundred and twenty acres of land, embracing the North half of section eight, township four, range one east, in Peters' Colony.

Sec. 2. That the said William Rawlins in order to avail himself of the benefits of this act shall first make an affidavit before some officer authorized to administer oaths, that the description filed by him upon section ten, with the commissioner was a mistake and was intended to have been upon section eight in same range and township, and said Rawlins shall also return the patent issued to him upon section ten for cancellation.

Passed, September 1st, 1856.

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## CHAPTER CCCLXX.

### An Act for the relief of Nathaniel Prescott, R. S. Wheat, L. G. McGaughey and Eliza Green.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be instructed to issue a certificate for six hundred and forty acres of land to Eliza Green; a certificate for six hundred and forty acres of land to Nathaniel Prescott; a certificate for three hundred and twenty acres to R. S. Wheat; and a certificate of three hundred and twenty acres of land to L. G. M'Gaughey.

to be located and surveyed upon any unappropriated public domain of this State. And that this act shall take effect from its passage.

Passed, September 1st, 1856.

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CHAPTER CCCLXXI.

An Act to incorporate the Galveston Reading Club.

Section 1. Be it enacted by the Legislature of the State of Texas, That Ferdinand Flake, Julius Kauffman, J. C. Kuhn, J. E. Rump, John W. Jockusch of the county of Galveston their associates and successors are hereby constituted a body politic and corporate, for the encouragement of literary pursuits, by the name and style of the Galveston Reading Club, and by that name may receive, hold and enjoy or alienate lands, tenements and hereditaments, and personal property and sums of money of any amount not exceeding twenty thousand dollars, and by the aforesaid name may sue and be sued, defend and be defended, in any courts of law and equity, within this State, and may enact such rules and regulations as may be proper for conducting the affairs of said institution.

Sec. 2. That this act of incorporation shall be, and continue in force for and during the term of twenty years.

Sec. 3. That the books of said reading club shall be free from direct taxation, but the balance of the property shall be regularly given in for taxation, by the President of said reading Club, under oath, and a failure to give in said direct taxes, when called upon by the assessor or collector, shall work a forfeiture of this charter.

Sec. 4. That this act shall take effect from and after its passage.

Passed, September 1st, 1856.

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CHAPTER CCCLXXII.

An Act for the relief of Jacob L. Standifer.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Jacob

L. Standifer a patent for six hundred and forty acres of land upon a survey known in the Land Office as survey No. 9, on the San Saba river, made by Surveyor Wm. J. Wallan in August, 1846, upon said Standifer's San Jacinto donation claim.

Sec. 2. That this act shall not effect the acquired rights of third parties. And that this act take effect and be in force from and after its passage.

Passed, September 1st, 1856.

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#### CHAPTER CCCLXXIII.

An Act granting to John Torrey, Conrad Seabaugh, George A. Judson, William D. Parish, James Ferguson, and their associates, the privilege of constructing a toll bridge across the Guadalupe river at Kretzmeyers, crossing at the town of New Braunfels.

Section 1. Be it enacted by the Legislature of the State of Texas, That the privilege is hereby granted to John Torrey, Conrad Seabaugh, George H. Judson, William D. Parish, James Ferguson and their associates, and they are hereby authorized to construct a bridge across the Guadalupe river at Kretzmeyers, crossing at the town of New Braunfels, to extend across the stream above high water mark making the same passable at all times in safety.

Sec. 2. That the bridge contemplated to be made, shall be built, and completed within two years, from and after the passage of this act or forfeit their charter and that the privilege hereby granted shall extend to John Torrey, Conrad Seabaugh, George H. Judson, William D. Parish, James Ferguson, and their associates for twenty-five years, from the completion of said bridge.

Sec. 3. That whenever said bridge shall have been completed and be reported in good order, by the Commissioners appointed for that purpose in the manner prescribed by this act, the proprietors may erect a toll gate at each place as they may deem proper in the vicinity of said bridge, and demand and receive at such gate from all and every person crossing over the same, the following rates of toll: for all loaded wagons or carts, drawn by four or more horses, or mules, or oxen, fifty cents, when empty half that sum; for every loaded wagon

drawn by more than four horses, mules, or oxen, seventy-five cents, when empty, thirty-five cents; for every wagon or cart drawn by two horses, mules, or oxen, thirty cents, when empty half that sum; for every carriage or buggy drawn by one horse, twenty cents, when drawn by two or more horses thirty cents; for every man and horse, ten cents; for every footman, five cents; for loose horses and mules three cents per head; for cattle, two cents per head; for all sheep, goats and hogs, one cent per head.

Sec. 4. That the county court of Comal county shall appoint two commissioners not living more than three miles from said bridge, on the application of the proprietors of said bridge, whose duty it shall be to examine and approve said bridge, whenever it shall be completed and in good order, and report the same to the county court, at a regular quarter session thereof, which commissioners shall hold their office for two years, and examine and report the condition of said bridge twice in each and every year, for which services they shall each receive one dollar per day, while engaged in such examination, and it is furthermore the duty of said court to appoint commissioners as aforesaid every two years who shall examine and report upon said bridge as above directed.

Sec. 5. That whenever the bridge herein authorized to be constructed, shall be found to be out of order and repair, the toll gate shall be set open until said bridge shall have been repaired, and the proprietors are hereby required to keep a competent person in attendance at such gate, whose duty it shall be to permit persons to pass at all times, day or night, upon payment of the rates herein above set forth.

Sec. 6. That the proprietors of said bridge shall be liable by action for damages to any person who may sustain injury in person or property, by reason of negligence or failure to keep in repair said bridge, before any court having jurisdiction of the amount of damages claimed, and that they shall enter into bond with security payable to the Chief Justice of Comal county, or his successors in office for the sum of ten thousand dollars, within one year from the passage of this act, or forfeit this charter.

Sec. 7. That this act be in force from and after its passage.

Passed, September 1st, 1856.



## CHAPTER CCCLXXIV.

## An Act to authorize F. P. Sawyer to construct a Bridge across Walnut Creek in Travis County.

Section 1. Be it enacted by the Legislature of the State of Texas, That F. P. Sawyer be, and he is hereby authorized to construct a Bridge across Walnut Creek in Travis county, near the point where the Austin and Rastrop public road crosses said creek, throwing up embankment for the construction of the same above high water mark, so that the way may be passable at all times in safety; provided, that said bridge shall not be constructed where said public road crosses said creek, so as to obstruct the free passage of travellers who may wish to travel said public road, without crossing said Bridge; and provided further, that nothing in this act shall be so construed as to authorize the said Sawyer to construct said Bridge upon the lands of private individuals without their consent.

Sec. 2. That said Sawyer shall have the right of way from said Bridge, and the privilege of opening a road thirty feet wide from said Bridge when constructed, on both sides of said Walnut Creek into the said public road running from Austin to Bastrop.

Sec. 3. That said Sawyer shall construct said Bridge in a durable and substantial manner, within one year from the passage of this act, and shall keep the same in good repair, for all passengers for the term of twenty-five years from the completion thereof, and shall be ready at all times to pass foot passengers, carriages, wagons, teams and stock that may wish to cross on said bridge.

Sec. 4. That the County Court of Travis County is hereby authorized to establish the rates of toll to be received by said Sawyer for the term of twenty-five years, from the completion of said Bridge, from all foot passengers, carriages, wagons, teams and stock that may cross said bridge.

Sec. 5. That the owner and proprietor of said toll bridge shall be liable by action for damages to any person who may sustain injury to person or property by reason of negligence or failure to keep in repair said bridge, recoverable before any Court having jurisdiction of the amount of damages claimed.

Sec. 6. That after the expiration of twenty-five years from

the completion of said bridge by said Sawyer, the said bridge and appurtenances shall revert to the county of Travis, and the said county shall be the owner of said bridge.

Sec. 7. That this act shall take effect from and after its passage.  
Passed, September 1st, 1856.

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CHAPTER CCCLXXV.

**An Act to amend the first Section of an act passed at the present Session entitled an Act for the relief of E. B. Prater.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above recited act be so amended as hereafter to read as follows:—that the Commissioner of the General Land Office be and he is hereby required to issue to E. B. Prater, a patent for three hundred and twenty acres of land as his pre-emption, upon field notes of a survey made by virtue of head-right certificate number seventy-nine issued by the Board of land Commissioners of Liberty County to Benjamin F. Ellis, and by him transferred to said Prater, upon his the said Prater paying to the Commissioner of the General Land Office, the sum of twenty-one dollars, the issual fee.

Sec. 2. That this act take effect from and after its passage.  
Passed, September 1st, 1856.

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CHAPTER CCCLXXVI.

**An Act for the relief of James Drake.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby authorized and required to issue a certificate to James Drake for sixteen million six hundred and thirty-five thousand six hundred and twenty-nine square varas of Land, the same being the remaining part of his headright claim of the first-class to be located on any vacant lands of the State, said Drake paying the fees required by law. And that this act take effect from its passage.

Passed, September 1st, 1856.

## CHAPTER CCCLXXVII.

## An Act for the relief of Milly Berry.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be and is hereby authorized and required to issue to Milly Berry a patent to the league of land titled to said Berry on the 20th day of November A. D. 1835, by Commissioner Geo. W. Smyth, or so much thereof as has not been adversely appropriated, and issue a certificate for the residue of said league of land so appropriated if any there should be which may be located and patented on any of the vacant and unappropriated land of the State.

Sec. 2. That if said Milly Berry shall have ever sold, aliened or conveyed any part of the land hereby authorized to be patented to her, than the title is hereby authorized to be issued shall inure to and vest the property in the land so sold, aliened or conveyed in such vendee or vendees of said Berry their heirs or assigns.

Sec. 3. That this act take effect from and after its passage.

Passed, September 1st, 1856.

## CHAPTER CCCLXXVIII.

## An Act for the relief of D. M. Fulton.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of Public Accounts be, and he is hereby authorized to draw a draft on the Treasurer of the State of Texas in favor of David M. Fulton, for the sum of three hundred and sixty nine dollars, and that the Treasurer be and he is hereby authorized to pay said draft out of any money in the Treasury not otherwise appropriated: provided, the said David M. Fulton shall file with the Comptroller of Public Accounts, a release in full of all claims or demands against the late Republic or State of Texas.

Sec. 2. And that this act take effect and be in force from and after its passage.

Passed, September 1st, 1856.

CHAPTER CCCLXXIX.

An Act for the relief of Peter F. Houston.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and is hereby required to issue a certificate for three hundred and twenty acres of land, and that the same may be located, surveyed and patented to Peter F. Houston, as other third class certificates. And that this act take effect from its passage.

Passed, September 1st, 1856.

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CHAPTER CCCLXXX.

An Act for the relief of Radford Berry.

Section 1. Be it enacted by the Legislature of the State of Texas, That Radford Berry, his heirs or assigns, have issued to them by the Commissioner of the General Land Office, a certificate for three-fourths of a league and labor of land, in place of the same quantity that was granted to the said Berry on the 14th day of October, 1835, by Geo. W. Smyth, Commissioner.

Sec. 2. That said certificate shall have all the rights pertaining to land certificates. And that this act take effect and be in force from and after its passage.

Passed, September 1st, 1856.

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CHAPTER CCCLXXXI.

An Act for the relief of the heirs of Hervey Whiting.

Section 1. Be it enacted by the Legislature of the State of Texas, That the proper accounting officers of the Treasury be, and they are hereby authorized and required to issue to the heirs of Hervey Whiting, deceased, duplicates of four lost drafts, heretofore issued by the Auditor on the Treasurer of the late Republic of Texas, in favor of Hervey Whiting, as follows: number seven hundred and eighty-one, issued the eleventh day of February, 1836, for one thousand and ninety-

eight dollars and fifty cents; numbers fourteen hundred and twenty-nine, and fourteen hundred and thirty, issued the fifth day of May, 1837, for three hundred and twenty dollars and fifty cents, and two hundred and sixty-five dollars and sixty-two cents; and number six thousand eight hundred and ninety-seven, issued December the fourteenth, 1837, for three hundred and twenty-three dollars and thirty-two cents, and that said accounting officers be authorized and required to audit said claims in favor of the heirs or legal representatives of the said Hervey Whiting, and to scale and pay the same as other like claims, and to pay the same out of any money in the Treasury not otherwise appropriated by law; provided, it shall in no way appear that said drafts have heretofore been paid by the Republic or State of Texas.

Sec. 2. That before issuing said duplicates or auditing said claims, said heirs shall not be required to enter into an indemnifying bond to the State in double the amount of said drafts, with two or more good and sufficient securities, to be approved of by the Governor, conditioned as prescribed by said accounting officers, for the purpose of holding the State harmless against any future demand upon said original drafts.

Sec. 3. And that this act take effect and be in force from and after its passage.

Approved, September 1st, 1856.

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## CHAPTER CCCLXXXII.

### An Act to incorporate the Galveston Rope Cordage and Cotton Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Mathew Hopkins, E. P. Hunt, H. Van Buren and Jno. G. Tod, of Texas, and Henry Loving, Geo. A. Fiske of Mass., or such of them or such other persons as may hereafter be associated with them, are hereby created a body corporate by the name of the Galveston Manufacturing company, and by that name may sue and be sued, may plead and be impleaded, may transfer their rights by succession or assignment. may have a common seal and also by that name and style they and their successors may purchase, hold and convey real and personal estate.

Sec. 2. That said company shall have the right to erect and establish in the county of Galveston, machinery and establishments for the manufacture of Cotton, Rope Cordage, Cotton and Woollen goods, or such other articles as said company may at any time manufacture for sale.

Sec. 3. That the capital stock of said company shall be fifty thousand dollars, to be divided into five hundred shares of one hundred dollars each, and said company shall have authority to increase said capital to one hundred and fifty thousand dollars.

Sec. 4. That the affairs of said company shall be managed by a Board of five directors, each of whom shall own at least five shares of the capital stock of said company, a majority of said directors shall constitute a quorum to do business, and shall have power to appoint a President from their number and to fill all vacancies that may occur in the Board of Directors, from death, resignation or otherwise. After the first election of Directors by virtue of this act, all subsequent elections shall be held at the city of Galveston, on the first Tuesday in January, of each year; in case of failure to elect said directors at the time and place specified in this act, the corporation shall not be dissolved for that cause, but the President and Directors previously elected, shall continue to perform their duties until their successors are chosen.

Sec. 6. That the Directors shall be chosen by the stockholders of said company, and that each stockholder shall have one vote for each share that he may own, and may vote in person or by proxy.

Sec. 6. That the President and Directors of said company shall have full authority to adopt all such rules, regulations and by-laws as they may consider necessary to effect the object of this act of incorporation not inconsistent with this act, or the laws of this State, and may appoint and remove at their pleasure all agents or other employees necessary to transact the business of said corporation.

Sec. 7. That every person subscribing for any of the capital stock of said company, shall pay such proportion thereof at the time of subscribing as may be directed by the terms of the original subscription list, and after the election of the first board of directors the balance shall be paid at such times and upon such terms as said Directors may designate; provided, that in all cases where further payment may be required, notice thereof shall be given by advertisement in

the nearest newspaper, at least ninety days before the time of said payment.

Sec. 8. That if any stockholder shall fail or refuse to pay the balance of his subscription at the time required by said directors, it shall be lawful at any time, after due notice and advertisement has been made, in accordance with the preceding section of this act, for said directors to sell the shares of said stockholders at public auction, after ten days previous notice of said sale has been given by public advertisement, and the purchasers of said shares shall be subject to all the liabilities and entitled to all the benefits of the defaulting stockholders.

Sec. 9. That this act shall be in force from and after its passage.  
Passed, September 1st, 1856.

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#### CHAPTER CCCLXXXIII.

##### An Act for the relief of M. P. Sharp.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Treasurer of the State of Texas be authorized to pay to M. P. Sharp seventy-five dollars, out of any money in the Treasury not otherwise appropriated, amount due said Sharp for services as a private for three months services in the company of Capts. Byrd and Brookshire, in the year 1839.

Sec. 2. That this act take effect from and after its passage.  
Passed, September 1st., 1856.

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#### CHAPTER CCCLXXXIV.

##### An Act for the relief of Alpheous D. Neill.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Alpheous D. Neill a certificate for one league of land, as a testimony of gratitude of this State; he having been permanently disabled by wounds received in her service. And that this act take effect from its passage.

Passed, September 1st, 1856.

CHAPTER CCCLXXXV.

An Act to declare the name of, and to legitimate Amanda Matilda, daughter of Eliza R. Sprecher.

Section 1. Be it enacted by the Legislature of the State of Texas, That Amanda Matilda, daughter of Eliza R. Sprecher, shall be known and called by the name of Amanda Matilda Sprecher, and is hereby declared the legitimate child of said Eliza R. Sprecher and Andrew Sprecher, and is capable of inheriting the estate of her said parents, as though she were born in lawful wedlock. And that this act take effect from its passage.

Passed, September 1st, 1856.

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CHAPTER CCCLXXXVI.

An Act to incorporate the Henderson and Logansport Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That John S. Buckner, Josiah Rockmore, James E. Smith, Micagal Reese, W. W. Wingfield, Uriah Dunn, W. C. Keely, S. C. Thompson, A. A. Yates, P. Hollingsworth, D. W. Flanagan, B. F. McDonough, R. B. Truit, A. M. Truit, Spearman Holland, H. C. Ashton, A. E. Hanley, A. W. O. Hicks, A. R. Johnson, Thomas Carrell, Richard Yarborough, Stephen King, J. B. Turner, John Rosser, E. Campbell of New Orleans, P. H. Martin and Aaron Ferguson, be, and they are hereby appointed commissioners to open books, and receive subscriptions to the capital stock of a corporation to be styled the "Henderson and Logansport Railroad Company." They shall receive no subscriptions to said capital stock, unless five per cent thereof, in cash shall be paid to them at the time of subscribing; and should they receive subscriptions to said stock without such payment they shall be personally liable to pay the same to said corporation when organized. A majority of Commissioners shall constitute a quorum to do business, and they may hold their meetings at such times and places as a majority shall designate; provided, that public notice of all such meetings shall be given by publication in some newspaper published in Rusk county, at least twenty days before such meeting.



Sec. 2. That the subscribers to said capital stock, whenever they shall have elected directors in the manner hereinafter provided, shall be and they are hereby created and established a body corporate and politic, under the name and style of the Henderson and Logansport Railroad Company, with capacity in said corporate name to make contracts, to have succession and a common seal, to make by-laws for the government and regulation of said company, to sue and be sued, to plead and be impleaded, to grant and receive, and generally to do and perform all such acts as may be necessary and proper for, or incident to the fulfilment of its obligations, for the maintenance of its rights under this act, and in accordance with the constitution and laws of this State.

Sec. 3. That the capital stock of said corporation shall be one million of dollars, and shall have power to increase the same to two million of dollars. The said corporation shall be and is hereby invested with the right of locating, constructing, owning and maintaining a railway commencing at such point on the Sabine river, opposite or near the town of Logansport, State of Louisiana, as said corporation shall deem most suitable, and then running by the most suitable and direct line to the town of Henderson, in Rusk county.

Sec. 4. That the capital stock of said company shall be divided into shares of one hundred dollars each, each share entitling the owner thereof to one vote in person or by proxy, at all meetings of the company, and the shares shall be deemed personal estate, and shall be transferable by any conveyance in writing recorded either by the Treasurer in books kept by him for that purpose, at his office, or by any other person duly authorized by the directors, in books kept by him, at such other place as the directors may appoint, such transfers as are recorded in any other place, being within ninety days communicated to the Treasurer, and by him entered on his books.

Sec. 5. That the immediate control and direction of the affairs of said corporation, shall be vested in a board of not less than five directors; said directors shall elect one of their own number to be President of the company; whenever two hundred thousand dollars of the capital stock of said corporation shall have been subscribed, and five per cent thereof shall have been paid to the Commissioners herein before named, they shall cause an election to be held by said subscribers, at the town of Henderson, in Rusk county, for not less than five directors, having first given public notice of the time of said

election, in some newspaper published in said county, after which the said Commissioners shall account for and pay over to said directors all such sums as they shall have received of the capital stock of said company, first deducting a reasonable compensation for their services as Commissioners. No person shall be eligible to the office of director, unless he be a subscriber or owner of at least three shares of the capital stock. The directors shall have power to fill any vacancy in their body arising from non-election or other cause; they shall have power to appoint a Clerk, Treasurer or any other officers or agents as they may deem necessary, and prescribe and require bonds for the faithful performance of their duties. They may make all necessary rules and regulations for holding of meetings and all other things they may deem proper for the carrying out the provisions of this charter and business of the company. They shall keep or cause to be kept correct records of all meetings of the directors and company, and accurate books and accounts of the receipts and expenditures of the company, and all other books and accounts necessary and proper to be kept by said company; which books shall be open to the inspection of the stockholders; a majority of the board of directors shall have the power of a full board, and all conveyances and contracts, executed in writing, signed by the President and countersigned by the Treasurer or any other officer duly authorized by the directors under the seal of the company, and in pursuance of a vote of the directors, shall be valid and binding.

Sec. 6. That the directors shall have power to receive further subscriptions to the capital stock of said corporation, from time to time, until the full amount thereof shall have been subscribed, but five per cent of all such subscription shall be paid in cash at the time of subscribing, and the directors shall be personally liable to said company for five per cent of all subscriptions they may receive to said capital stock, without such payment; provided, however, that said company may, by the vote of the majority of the stockholders, cause certificates of stock to be issued in payment of any debt contracted for the construction or equipment of their road, and any agreement in writing whereby any person shall become a subscriber to the capital stock of said company, shall be enforced against him according to its tenor. If any subscriber shall fail to pay any amount due upon shares subscribed for by him according to the tenor of his subscription, the directors

may, after twenty days public notice, sell at public auction the shares subscribed for by said delinquent, and transfer to the purchaser of shares; if the proceeds of the sales shall not be sufficient to pay the amount due with interest and charges, such delinquent shall be held liable to the company for the deficit, and if the proceeds shall exceed the amount so due with interest and charges, he shall be entitled to the surplus.

Sec. 7. That it shall be lawful for the company to purchase and hold any land that may be necessary for the purpose of locating and maintaining and constructing their railroad, with all necessary depots and other buildings and by their engineers or agents enter upon and take possession of all such lands as may be necessary for the locating, constructing and maintaining said railway, and if they shall not be able to obtain such lands by agreement with the owner, they shall pay for the same such amount as shall be determined in the manner provided for in the following section; the land so taken for the railroad shall not exceed one hundred and fifty feet in width, and for depots and buildings, only such further width as may be necessary.

Sec. 8. That any person from whom lands have been taken for the purpose set forth in the preceding section, may apply to the District Court of the county wherein said lands are situated, for the appointment of appraisers, and said court after proof that the President or other officer of the company has been served with a notice describing the land two days before the holding of the Court. The court shall thereupon appoint three disinterested free-holders, citizens of the county, who shall appoint a time and place to hear the application, and the company to whose agent or President a reasonable notice shall be given by the court of said time and place, and said freeholders being sworn, shall, "after hearing the parties, determine the amount of compensation, as aforesaid, and make return of their award to said court; at its next term; and said award may be confirmed or for any sufficient reason rejected by said court in the same manner as awards by arbitration under a rule of the court, and if confirmed by the court, judgment shall be rendered thereon, as in other cases. In determining the amount of compensation to be paid, as aforesaid, freeholders shall be governed by the actual value of the land at the time it was taken, taking into consideration the benefit or injury done to other neighbouring lands of the

owner, by the establishment of said railway. If in any case the amount found by the arbitrators shall not exceed the sum proved to have been offered by the company to the owners, prior to his application to the court, the owner shall pay the cost of the proceedings, otherwise the company shall pay the same.

Sec. 9. That said company shall have power to borrow money on their bonds or notes at such rates as the directors may deem expedient; provided, however, that nothing in this act shall be construed so as to include banking privileges of any kind.

Sec. 10. That upon the written request of one-fourth of the stockholders, the President of the company shall call a special meeting of the directors, and upon a written demand of three-fourths of the stockholders, the President shall remove any one or the whole of the directors, and order a new election within thirty days; which directors so elected, shall hold their offices until the time prescribed for the holding of the next regular election.

Sec. 11. That if said railway is not commenced within twelve months from the first day of July, eighteen hundred and fifty-eight, and at least ten miles are not in running order, or twenty graded and furnished with cross ties within three years after its commencement, then this charter shall be null and void.

Sec. 12. That the company is hereby required at all reasonable times and for reasonable compensation; to draw over their road the passengers, merchandize and cars of any other railroad corporation, which has been or may hereafter be authorized by the Legislature, to enter with their railroad and connect with the railroad of this company; and if the respective companies shall be unable to agree upon the compensation aforesaid, it shall be the duty of the President of each company, to select one man each, as a Commissioner, and the two commissioners selected, shall choose a third party, in case of disagreement, neither of whom shall be a stockholder in either road, or interested therein, and they shall fix the rates which shall not be changed for one year from the time of going into effect; the said Commissioners shall also affix the stated period at which said cars are to be drawn, as aforesaid, having reference to the convenience and interests of said corporations, and the public who shall be accommodated thereby. The right or power is specially conferred on the company to

connect and contract with any railroad company heretofore or hereafter chartered by this State, for the performance of like transport; and in case of disagreement between the companies, the same shall be referred and settled as aforesaid, to be binding for one year as aforesaid.

Sec. 13. That the Board of Directors shall hold their meetings and keep their office at the town of Henderson, in the county of Rusk, a majority of whom shall be citizens of the State of Texas.

Sec. 14. That this act of incorporation shall expire in ninety years, unless it shall be removed or extended.

Sec. 15. That this company shall be subject to the provisions, and be entitled to the benefits of any general laws which have been or may be enacted by the State, regulating or encouraging the construction of railroads. And that this act take effect from and after its passage.

Passed, September 1st, 1856.

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#### CHAPTER CCCLXXXVII.

##### An Act for the relief of the heirs of Susan Sallee.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby authorized and required to issue to the heirs of Susan Sallee, deceased, a certificate for one league and labor of land, which may be located, surveyed and patented as other headright certificates.

Sec. 2. That this act take effect from and after its passage.

Passed, August 29th, 1856.

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#### CHAPTER CCCLXXXVIII.

##### An Act to incorporate the City of Lavaca.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the free white inhabitants within the limits hereinafter defined, shall be a body corporate, by the name of the Mayor and Aldermen of the City of Lavaca, and by that name they and their successors shall be known in law, and be

capable of suing and being sued, and of defending in all courts and in all actions and matters whatsoever, and may have a common seal, and may alter and change the same at their pleasure, and by the same name shall be capable of holding and conveying any estate, real or personal, for the use of said corporation; provided, that such real estate shall be within the limits of said city.

Sec. 2. That there shall be the following officers for said city, that is to say, one Mayor, eight Aldermen, one Recorder, one Assessor and Collector, one Treasurer, one Marshal, and as many other subordinate officers not herein mentioned, for preserving the peace and well ordering the affairs of said city, as the City Council shall direct.

Sec. 3. That all free white inhabitants, and who are qualified electors for the county of Calhoun, and who shall have resided in said city for three months next preceding an election, shall be qualified electors for all officers to be elected under this act.

Sec. 4. That the officers named in the second section of this act shall be elected by ballot by the qualified electors of said city, and shall hold their respective offices for one year and until their successors are elected and qualified, and before entering upon the duties of their offices they shall take the oath prescribed by the constitution, and the Assessor and Collector, Treasurer, Recorder and Marshal, each enter into bonds with security in such sums as shall be prescribed by the Mayor and Aldermen, faithfully to perform and discharge all the duties required of them by virtue of their office, which bonds shall be made payable to the Mayor and his successors in office of the City of Lavaca, and approved by the Mayor; and said oaths and bonds shall be recorded in a book to be kept for that purpose by the Recorder, and suits may be instituted on said bonds in any court having jurisdiction thereof for any violation of the conditions thereof.

Sec. 5. That any qualified elector for the City of Lavaca shall be capable of holding any office provided for by this act, or which shall be provided for by any ordinance in pursuance of the same, except as hereinafter provided for. That the first election for Mayor, Aldermen, Assessor and Collector, Treasurer, Recorder and Marshal shall be held in said city on the first Monday in October, 1856; said election shall be held by any Justice of the Peace, residing in said city, and two judges to be chosen by him on the day of the election; said Justice shall

give ten days notice of the time and place of the election, and shall, together with said judges, count the votes and declare the result; and the said Justice shall give each of the officers elected a certificate of election, and administer to them the oath required by this act, and which shall be, by them, subscribed; and upon the organization of said Board said Justice shall return to them a statement of the polls of said election, which shall be recorded by the Recorder in a book to be kept by him, in which shall be recorded the votes for all officers elected under this act. All subsequent elections shall be held by the Mayor, and two Aldermen by him selected, after giving the notice herein provided for the first election, or in his absence any three of the Aldermen; and the officers so holding the election shall give certificates of election, and the Mayor shall administer to each of the officers elected the oath herein prescribed, and one of the Aldermen shall administer the oath to the Mayor.

Sec. 6. That in case of a vacancy in any of the offices herein provided for, the Mayor, or in his absence any two of the Aldermen, shall order an election, which shall be held and conducted in the manner herein provided for the general election, and the officer so elected shall hold the office for the unexpired term of his predecessor.

Sec. 7. The Mayor and Aldermen shall by ordinance fix the time for the regular meeting of the Board, which shall be at least four times in each year; and the Mayor may call special meetings at such times as he may deem advisable.

Sec. 8. That a majority of said Board shall constitute a quorum to do business; that the Mayor shall preside at all meetings of said Board, but in case of the absence of the Mayor the Aldermen present shall select one of their number to preside, which shall be noted on the minutes of their proceedings; and all the ordinances and resolutions passed by the Board shall be signed by the officer presiding.

Sec. 9. That the Mayor and Aldermen shall have power, by ordinance, to levy and collect taxes upon all real and personal property, within the city, liable to taxation under the general revenue laws of the State, not to exceed three-fourths of one per cent. on the assessed value of the same; and all taxes so assessed shall be uniform on all the property in said city liable to taxation, and the money arising from said tax shall be expended within said city, or in the improvement of the harbor in front of the same; also, to require each white

male inhabitant over the age of twenty-one and under forty-five, and each male negro over the age of sixteen and under the age of fifty, to work upon the streets of said city, any number of days in each year, not to exceed five; and in default of so working, when required by the overseer of the streets, to pay a fine of one dollar and fifty cents for each day he fails to so work, and that the owners or employers of the slaves so failing to work, shall be liable to pay the fine so assessed against them; and that all fines so assessed for a failure to work upon said streets shall be recoverable in an action in the name of the Mayor and Aldermen of the City of Lavaca, before any Justice of the Peace in said city; that they shall have power to appoint an overseer of the streets and prescribe his duties; to make regulations to prevent the introduction of contagious diseases; to make quarantine laws for the purpose, and enforce the same within five miles of the city; to make regulations to secure the general health of the inhabitants; to establish a hospital; to prevent and remove nuisances; to establish night-watches and patrols; the patrol so appointed shall consist of six persons, at least one-half of whom shall be slave-holders, and shall be appointed for three months, and shall be governed by the general laws regulating patrols; to provide for licensing commission merchants; taxing and regulating auctions, and retailers of wines and spirituous liquors; ordinances and taverns, billiard tables, hackney carriages, wagons, carts, drays, money changers, hawkers and pedlars, theatrical and other shows and amusements; to regulate tippling houses, gambling houses and other disorderly houses; to establish and regulate markets; to keep in repair the streets, avenues, lanes, alleys, drains, and sewers, and keep the same clean; but they shall have no power to open new streets or alleys, or to change in any way the streets as now known, used and recognized, without paying to the parties injured thereby full compensation before the change or opening of the same; and the subdivisions of said city, originally Port Lavaca, into lots, streets and squares, as made by the proprietors, John M. Smith and others, as now recognized and established, is established as the plan and subdivisions of said city into lots, squares and streets, and also the subdivision of a tract of land within the boundaries of said city, known as Georgetown, into streets, lots and squares, as surveyed by Edward Linn, for Wiley George, is hereby recognized and established as the subdivisions of Georgetown into streets, lots and squares; to provide for the



safe keeping of weights and measures for the regulation of weights and measures to be used in said city; to provide for the prevention and extinguishment of fires; to regulate the storage of gunpowder and other combustible materials; to provide for the election of officers other than such as are hereby provided for; and to fix the compensation of all city officers and from time to time to pass such ordinances to carry into effect the objects of this act and the powers herein granted as the good of the inhabitants may require; and to impose and appropriate fines and forfeitures for the breach of any of the ordinances; and it is hereby specially made the duty of the Mayor, to see that all the ordinances passed under and in pursuance of the provisions of this act shall be strictly enforced; and it is hereby made the duty of any Justice of the Peace, in said city, for the county of Calhoun, to hear and determine all complaints growing out of the violation of any of the ordinances of said city, and to inflict such fines and penalties as shall be imposed by said ordinances, and which do not conflict with the constitution and laws of this State or of the United States; said prosecutions shall be conducted in the name of the Mayor and Aldermen of the city of Lavaca, and the proceedings shall be conducted as in other cases in said courts; that the said city shall have power to subscribe for or purchase stock in the "Lavaca Navigation Company," and in any other incorporate or joint stock company which may be formed for the purpose of making public improvements, or increasing the commercial faculties within the limits of said city or in the Harbor in front of the same, but she shall in no case subscribe for or purchase stock in any such companies, until the means are first provided for, the prompt payment for the same, and the said Mayor and Aldermen are hereby authorized to levy a special tax not to exceed one-fourth of one per cent on all property in said city heretofore declared liable to taxes; said tax to be assessed and collected as provided for the assessment and collection of the general tax, and the moneys arising from said tax shall be applied to the payment of such stock so purchased or subscribed for said city, and to no other purpose; and it is further provided, that the Mayor and Aldermen shall not have authority to sell the bonds of said city for any other purpose than the raising of money for improvements within said city and the Harbor in front of said city, and that said bonds shall not be issued until there is provision made for their redemption, and they shall not be sold

for less than twenty-five per cent below par, nor for a higher rate of interest than eight per cent.

Sec. 10. That the Mayor and Aldermen shall have power to regulate and improve the streets, avenues, lanes and alleys, with the limits of the city, and the lot holders shall be required to pay one-half of the cost of making side-walks and drains in front of their respective lots, and the Mayor and Aldermen, after giving the owners of said lots, their agents or Attorneys, thirty days notice, shall fix and assess the amount for which each lot is liable, for such improvements, which assessment shall have the force and effect of a judgment, and shall be collected without suit thereon, by the Marshal, by a sale of the property, or so much thereof as may be required as an execution.

Sec. 11. That any damages the owner or owners of property may sustain in consequence of the changing or opening any street, lane or alley in said city, shall be assessed by six freeholders, who shall be sworn by the Mayor to fairly assess and fix the damages which the owner of the property will sustain by said charge, who shall make said assessment and return the same to the Mayor, who shall cause the same to be recorded in a book to be kept for that purpose, by the Recorder; provided, that the owner of said property or his agent or attorney, shall have five days notice of the time and place of making such assessment.

Sec. 12. That the style of all laws and ordinances of the said Corporation shall be, "Be it ordained by the Mayor and Aldermen of the city of Lavaca," and all Ordinances shall, before they take effect, be published in a newspaper published in said city for one month, or in case there should be no paper published at the time, be posted up in a public place.

Sec. 13. That it shall be the duty of the Recorder, to attend all meetings of said Board. That he shall keep a book or books wherein he shall enter all the proceedings of the Board, which book shall be at all times open for the inspection of the inhabitants of the city, and shall keep and preserve in his office all records, public papers and documents belonging to the city, and shall perform such other acts as shall be enjoined upon him by Ordinance.

Sec. 14. That the Marshal shall have and exercise within the city of Lavaca, all the powers of a Constable in cases arising under the Ordinances and Laws of the city; that he shall

perform all other duties required of him by the Ordinances of the city in carrying out and enforcing the same.

Sec. 15. That any person wishing to engage in any business in which a license shall be required by an Ordinance of the city, shall pay over the amount of the tax to the Assessor and Collector, who shall give him a receipt for the same; and upon presentation of said receipt to the Recorder, he shall issue a license to the applicant, specifying the business and the length of time for which the same is granted.

Sec. 16. That the Assessor and Collector, immediately after giving bond and taking the oath of office, as hereinbefore provided for, shall proceed to assess all the property liable to taxation within the limits of said city, which assessment shall be made as provided for the assessment of property for State and county tax, which assessment roll when so made, shall be returned to the Board at a time to be fixed by an Ordinance, and when so returned, the said Board shall examine the same, and if they find that it has been made in accordance with law, they shall proceed to hear any objections to the same, and to correct all errors which may be found therein, and shall approve and file the same. It shall then be the duty of the Recorder to make out a correct copy of said assessment, certify the same and deliver it to the Assessor and Collector, who shall immediately advertise at what time and place he will receive the taxes due thereon; and all who shall not have paid the taxes due from them, on or before a day to be fixed by an Ordinance, shall be considered defaulters, a list of which shall be made out and delivered by the Assessor and Collector to the Recorder, who shall file the same, and make out a certified copy, and deliver it to the Assessor and Collector, which shall have the force and effect of an execution, and the Assessor shall immediately proceed to levy the same upon the property of said delinquents, and proceed to sell the same for the payment of said taxes, if personal property, by giving ten days notice as required under execution; if real estate, by giving twenty days notice as under execution; all property sold by virtue of said list, to be sold in said city. Upon the sale of any real estate, the said Assessor and Collector shall give the purchaser a certificate of said purchase designating the property sold, date of sale and the amount paid; immediately upon the sale of any real estate, the said Collector shall make a return to the Recorder describing the property sold, the date of sale, the amount for which it was sold, and the name of the purchaser, which shall

be entered by the Recorder in a book to be kept by him for that purpose. The owner of any real estate sold as aforesaid, shall have twelve months in which to redeem the same, by paying the Recorder double the amount for which said property was sold, and all costs, and the money so received by the Recorder shall be paid over to the purchaser, but should the land sold as aforesaid, be not redeemed, then the Recorder shall make, execute and deliver to the purchaser a deed for the same, which deed, when so made, executed and delivered, shall vest in the purchaser a good and perfect title, in fee simple, of all the right, title and interest, which the defendant had, in and to said land, when sold, and shall be evidence that the law has been in all things complied with, from the making of the assessment to the making of the deed.

Sec. 17. That the boundaries of said city shall be as follows: beginning at low water mark, at the mouth of Linn's Bayou; thence up said Bayou to where a deep gully enters the same, on the south side, to a point in a line which shall be run parallel with Commerce street, and distant from the west line of said street, westward three-fourths of a mile; thence on said line parallel with commerce street, one and a half miles; thence on a line at right angles with the last or back line, to a stake in Lavaca Bay, at low water mark; thence so as to include the wharves, docks and landings, to the place of beginning.

Sec. 18. That it shall be the duty of the Treasurer to receive and safely keep all money belonging to said city, and to pay out the same as may be provided for by Ordinance.

Sec. 19. That all laws and parts of laws conflicting with the provisions of this act, be, and the same are hereby repealed. And that this act take effect and be in force from and after its passage.

Approved, September 1st, 1856.

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## CHAPTER CCCLXXXIX.

### An Act to incorporate the Town of Indianola.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following described limits, to wit: beginning at the mouth of Powder Horn Bayou in Matagorda Bay,

thence up said Bay, so as to include all the wharves and landings to White's Bayou; thence south to Fourth street of the town of Indianola; thence down said street to Broadway, (see Thielepapis Map of the lower portion of Indianola;) thence to and down the fourth street from the Bay, as shown on said Map, to Powder Horn Bayou, so as to include three blocks from the Bay; thence with said Bayou to the place of beginning, be and the same, with the inhabitants therein, is hereby created a body politic and corporate, under the name and style of the town of Indianola, and by that name may hold and dispose of real estate; may sue and be sued; plead and be impleaded, and may have a common seal; Provided, that all the grounds represented in the two maps drawn by Thielepapis, exhibiting the upper and low portions of said town, shall be known and recognized as a part of Indianola proper, but exterior to the Corporate limits and jurisdiction thereof.

Sec. 2. That the government of said town shall be vested in a Mayor, five Aldermen, and a town Marshal, the latter of whom shall also be ex-officio Assessor and Collector of the town and the Clerk of the town Council; and each of whom shall be elected annually on the first Saturday in November, commencing on that day in the year 1856, and shall hold his office for one year, and until his successor may be elected and qualified. Should any vacancy occur in any one or more of said offices, the same shall be filled by a special election for that purpose.

Sec. 3. All elections for town officers, as hereinbefore provided for, shall be held after ten days public notice by the Mayor, or in his absence or failure to act, any two Aldermen, and shall be conducted in accordance with the State election laws, so far as applicable. The returns shall be made to, and opened by, the person or persons ordering the election for the time being, who shall issue certificates to and qualify the person elected. No person shall be eligible to any town office unless he be a free white male citizen, over twenty-one years of age, and who shall be a free holder or householder within the corporate limits, and resident therein for at least six months preceding the election. No person shall be allowed to vote for town officers unless he be a free white male resident, over twenty-one years of age, and shall have resided at least three months within the corporate limits, and shall have paid a town tax on real estate, or a town poll tax of fifty cents; provided,

that all free holders and house holders, possessing the other qualifications, may vote at the first election herein provided for. All officers elected under the provisions of this act, before entering upon their duties, shall take the official oath prescribed by the Constitution of the State. The town Marshal shall also enter into a bond with approved security, of two thousand dollars, payable to the Mayor and his successors in office, conditioned for the faithful performance of his respective duties, which bond shall be recoverable in the same manner as the bond of Constables are recoverable under the laws of the State.

Sec. 4. The Mayor and Aldermen shall constitute the Town Council, of which the Mayor shall be President, but shall have no vote, except to give the casting vote in case of a tie; the Mayor and three Aldermen shall constitute a quorum to do business, the Marshal being present as Clerk of the Council; the sessions of the Council shall always be open; no secret meetings being allowed; the council shall have power to pass all ordinances necessary for the government and well-being of the town; to collect through the Assessor and Collector, from vessels or passengers all monies that may be demanded of them by corporate sea port towns, under the laws of the State, for hospital purposes; to appropriate the same to the erection and maintenance of a hospital; to exercise sanitary jurisdiction over the corporate limits; to remove or abate all nuisances; to improve the streets, sidewalks, alleys and public grounds; to construct water tanks, culverts, bridges or causeways within or near the corporate limits; to encourage and protect all fire companies; and to levy and collect an annual tax of one-fourth of one per cent on all real estate, including wharves, docks or pier heads within the corporate limits; provided, that no tax shall be collected on real estate belonging to Churches, or Literary or Educational institutions; also to collect a license tax on all shows or exhibitions for pay, not of a literary, religious or educational character; they may also collect an annual poll tax on every white male resident of the town over twenty-one years of age, who shall have resided three months within the corporation, provided, that such person shall not have paid a tax on real estate, and provided further, that no such person shall be compelled to pay said poll tax, unless he desires to vote in the town election.

Sec. 5. That the Mayor, within the corporate limits of the town, shall exercise the same powers and jurisdiction as a

Justice of the Peace, in all criminal proceedings, and the Marshal the same as those of a constable in the same proceedings before the Mayor, and they shall be entitled to the same fees; the Mayor shall also enforce all the ordinances of the Council for the peace and well-being or improvement of the town; neither the Mayor, Aldermen or Treasurer, shall be allowed any salary; the Marshal shall not be allowed over five per cent for both collecting and paying over monies for the corporation, nor a salary of more than fifty dollars per annum, until after the year 1857 as Clerk to the Council; the Treasurer who shall be elected annually at the first meeting of the newly elected Council, shall not be allowed over three per cent for receiving and disbursing the funds of the town. In case of epidemics and at no other time, the council may employ a hospital physician and suitable nurses; but they shall never contract a debt for that purpose or contract to pay more than the hospital fund on hand, or accruing for the time being, nor shall they under any circumstances contract a town debt exceeding two thousand dollars. They shall create no officers (offices) except of port-wardens, who shall receive the usual fees, but no salary. They shall define the duties of the Marshal in his respective position, and of the Treasurer; and affix the liabilities of the latter; they shall also have power to establish police and patrol regulations of the town.

Sec. 6. The town is hereby divided into two wards; that portion below Broadway and Caney streets according to said map of the lower town, shall be the first ward, and shall elect three Aldermen; that portion above said street shall be the second Ward and shall elect two Aldermen; the first election shall be ordered by the present Mayor, or any two Aldermen of the town, to be held in each ward according to the election laws of the State; the Mayor and Aldermen being elected by general vote; the present Mayor, or in his absence any two Aldermen may qualify the officers first elected under this act; in all subsequent elections, the Mayor in office or in case of his absence, death or resignation, any two Aldermen may order elections, issue certificates and qualify the persons elected.

Sec. 7. No other tax shall be imposed by the town council than those prescribed by this act; and in the levy, collection and sale of real estate for non-payment of taxes, the Assessor and Collector shall be governed by the laws of the State so far as applicable.

Sec. 8. The town council herein provided for shall close up the unfinished business of the former council, in such manner as to them may seem best.

Sec. 9. That an act entitled "an act to incorporate the city of Indianola," approved February, 1853, be and the same is hereby repealed. And that this act take, (effect) and be in force from and after its passage.

Passed, September 1st, 1856.





## CHAPTER VII.

### Joint Resolution.

First. Be it resolved by the Legislature of the State of Texas, That in the present perilous condition of our former fellow-citizen the Hon. David S. Terry, a member of the Supreme Court of the State of California, now a prisoner at the mercy of the Vigilance Committee of San Francisco, we feel a deep interest.

Second. That among the people with whom he associated from his childhood, there is but one opinion as to his elevated patriotism, high sense of justice, and devotion to good order; and but one sentiment of affectionate regard and high esteem.

Third. That we instruct our Senators and request our Representatives in Congress, to use their influence with the Executive to obtain such proper and constitutional action, as will restore the supremacy of the law in California, and especially to ensure to our former fellow-citizen, Hon. David S. Terry, a fair, legal trial before the legally constituted tribunal to which he is answerable for his acts.

Approved, August 7, 1856.



## THE STATE OF TEXAS.

I, Edward Clark, Secretary of State of the State of Texas, certify that the adjourned session of the Sixth Legislature of said State commenced, at the city of Austin, on Monday the seventh day of July, in the year one thousand eight hundred and fifty-six, and adjourned on Monday the first day of September, in the year one thousand eight hundred and fifty-six.

And I further certify, That the Acts contained in this volume are true copies, with the exception of the words embraced in brackets, taken from the original rolls deposited in the Department of State, with which they have been carefully compared.

[L. s.]      Given under my hand and official seal, the  
28th day of December, in the year one thousand  
eight hundred and fifty-six.

EDWARD CLARK.

Note.—The words embraced in brackets were inserted by the Secretary of State in comparing the laws, supposing them to be omissions in enrolling the bills.



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**GENERAL LAWS**

**OF**

**THE SEVENTH LEGISLATURE**

**OF**

**THE STATE OF TEXAS**

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**PUBLISHED BY AUTHORITY**

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**AUSTIN**  
**1858**



# GENERAL LAWS.

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## CHAPTER 1.

An Act to legalize transcripts of Records of field notes in the Surveyor's Office of Fayette County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the transcript of Records of field notes, prepared by the Commissioner of the General Land Office, on the 24th day of March, 1857, and now on deposit in the Office of the Surveyor of Fayette County, in Book of field notes marked "B," be and the same is hereby legalized, and all copies taken from the said transcript, shall have the same force and effect in law and equity, that copies from the original might or could have had.

Sec. 2. That the Surveyor of Fayette County be, and is hereby authorized and required to transcribe the Records of field notes in Book "A," into Record Book of field notes marked "B;" and when said field notes are so transcribed and examined and approved by the County Court, they shall have the same force and effect as the originals, and copies of them shall be of the same grade of evidence as copies from the originals.

Sec. 3. The Surveyor shall receive such compensation for his services as shall be allowed by the County Court, not to exceed twenty cents for every hundred words so transcribed, and this act take effect and be in force from and after its passage.

Approved November 12, 1857.

## CHAPTER 2.

## An Act to legalize Surveys made in Karnes Land District.

Whereas, An Act was passed by the Legislature of the State of Texas, on the 7th day of August, 1856, creating the Land District of Karnes, and subsequently Charles A. Russell, was elected District Surveyor of the same, and undertook to discharge the duties of that office; and whereas, the Commissioner of the General Land Office, doubting the legality of said Surveyor's election, refuses to recognize the official acts of said Surveyor, in which resolution he is sustained by the opinion of the Attorney General of the State; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the election of said Charles A. Russell, to the office of Surveyor of Karnes District, is hereby made legal and valid, and all the official acts of said Russell, done and performed by him since he entered upon the duties of said office, are hereby made legal and valid. Provided, That nothing shall be made valid by this Act that would not have been valid, if performed by a legally authorized Surveyor in said District.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved November 12, 1857.

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CHAPTER 3.

## An Act to change the time of holding the County Courts of Upshur County, sitting as a Commissioner's Court.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Courts of Upshur County, sitting as a Commissioner's Court, shall hereafter meet in regular Session on the second Mondays of the months of February, and August, in each year, for the transaction of such business as may come before them, as said Commissioner's Court, and may continue for three days, but not longer.

Sec. 2. That all the acts and doings of said Court shall be and are considered legal and valid, as if done on the third Mondays in the months of February and August.

Sec. 3. That this Act take effect and be in force from and after its passage.

Approved 13th November, 1857.

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#### CHAPTER 4.

An Act to authorize the Clerk of the County Court of Dallas County to transcribe into a well bound book, to be procured by said County for that purpose, all Records hereinafter mentioned.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Clerk of the County Court of Dallas County be required to transcribe Book "A," of Dallas County Records, in a well bound book, to be furnished him by the County Court of Dallas County, for that purpose.

Sec. 2. That when said Record is transcribed by him and approved by the County Court, it shall have the same force and effect that the original Record had, both in law and equity, and shall be preserved and considered a part of the Records of Dallas County.

Sec. 3. That when said Record is made in accordance with the first section of this Act, and approved by the County Court, said Clerk shall be paid out of any money in the Treasury of said County not otherwise appropriated, fifteen cents for every hundred words so transcribed; and that this Act be in force from and after its passage.

Approved November 17, 1857.



## CHAPTER 5.

An Act making an appropriation of fifteen thousand dollars to defray the contingent expenses of the 7th Session of the Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of fifteen thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, to pay the contingent expenses of the 7th Legislature; Provided, That no money shall be drawn from the Treasury under the provisions of this Act, unless the claim shall first have been examined and approved by the committee on Printing and Contingent Expenses of the House, for whose use the claim was contracted; and that this Act take effect from and after its passage.

Approved November 21st, 1857.

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CHAPTER 6.

An Act to legalize Hopkins County as a Land District, and to legalize Surveys made therein.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County of Hopkins be and is hereby made a legal Land District with the boundaries according to the map now on file in the General Land Office.

Sec. 2. Be it further enacted, That all Surveys heretofore made by the County Surveyor of Hopkins County, are hereby made legal and valid. Provided, That no Survey shall be made valid by this Act, which would not have been valid if made in a legally organized Land District.

Sec. 3. That this Act take effect from and after its passage.

Approved November 24, 1857.

CHAPTER 7.

An Act supplemental to An Act to authorize the Location, Sale and Settlement of the Mississippi and Pacific Railroad Reserve.

Section 1. Be it enacted by the Legislature of the State of Texas, That so much of the second Section of the above recited Act, as requires the settlers to pay for their claim, not to exceed one hundred and sixty acres, by the first day of January, 1858, be and the same is hereby extended to the first day of October, A. D. 1859; and should any person fail to pay for his or her land by that time, the land so claimed by him, shall be subject to re-location as other public domain belonging to the State.

Sec. 2. That said settlers shall not be compelled to return their field notes to the General Land Office, until the first day of April, 1858; and that this Act take effect and be in force from and after its passage.

Approved November 28th, 1857.

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CHAPTER 8.

An Act to authorize and require all Forced Sales of Real Estate and Negroes, and Sales of Real Estate or Negroes made by Executors and Administrators in the County of Travis, to be made on Congress Avenue, at the South-East corner of Block No. 70.

Section 1. Be it enacted by the Legislature of the State of Texas, That all Forced Sales hereafter to be made of Real Estate or Negroes, and all Sales made by Executors and Administrators of Real Estate or Negroes, in the County of Travis, shall be made on Congress Avenue, at the South-East corner of Block No. 70; and that all laws and parts of laws conflicting herewith, be and the same are hereby repealed.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved November 28th, 1857.

**CHAPTER 9.**

An Act to change the time of holding the Terms of the District Courts in the Eleventh Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas, That the District Courts of the Eleventh Judicial District, shall commence in the County of El Paso, on the first Mondays in March and September, in each year, and may continue in session until the business is disposed of.

Sec. 2. That all process which has been or may hereafter be issued, and made returnable to the District Court of said County of El Paso, shall be and is hereby made returnable to the said Court, at the periods of its sessions as specified in this Act; and that all recognizances and bonds entered into by any person or persons in said Court, with reference to the period of its sessions under the laws heretofore in force, shall be and the same are hereby made obligatory upon the parties with reference to the terms of said Court as fixed by this Act.

Sec. 3. That the provisions of all laws and parts of laws, so far as they conflict with this Act, are hereby repealed.

Sec. 4. That this Act be in force from its passage.

Approved December 1, 1857.

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**CHAPTER 10.**

An Act making an appropriation to pay for the State Copies of the 16th and 17th Volumes of Texas Reports.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of four thousand three hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to pay for the State Copies of Sixteenth and Seventeenth Volumes of Texas Reports.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved December 2, 1857.

CHAPTER 11.

An Act to pay for printing the Proclamation of the Governor.

Section 1. Be it enacted by the Legislature of the State of Texas, That three thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay for printing the proclamation of the Governor, ordering the vote in August last, on the proposed amendment to the Constitution.

Approved, December 3rd, 1857.

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CHAPTER 12.

An Act to define the times of holding the sessions of the Supreme Court.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sessions of the Supreme Court of the State, shall hereafter be held as follows: At Austin, on the third Monday of October of each year, and may continue in session twelve weeks; at Galveston on the last Monday of January in each year, and may continue in session ten weeks; at Tyler on the fourth Monday of April in each year, and shall continue in session until the first day of July, unless the causes duly submitted to the Court for determination shall be sooner decided.

Sec. 2. That the present term of the Supreme Court at Austin, may continue in session for twelve weeks from the third Monday of October of the present year; and the terms of the said Court to be held at Galveston and Tyler for the year 1858, shall begin at the times specified in the first section of this act, and may continue in session for the length of time therein provided.

Sec. 3. That this act shall regulate all future terms of the Supreme Court, until otherwise provided by law.

Sec. 4. All laws and parts of laws heretofore passed, so

far as they conflict with the provisions of this Act, are hereby repealed; and this act shall take effect from the time of its passage.

Approved, December 3rd, 1857.

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## CHAPTER 13.

### An Act to adjust the boundaries of the Counties of Goliad, San Patricio and Nueces.

Section 1. Be it enacted by the Legislature of the State of Texas, That the boundary of Goliad County shall hereafter begin on the San Antonio river, where the lines of Victoria and Goliad now strike the same; thence down the river with its meanders, to a stone pillar at the lower corner of the Gertrudes Berrera, (or Savigo,) tract of land; thence south 49 West to the Blanco creek; thence up the Blanco, with its meanders to the line of Karnes county, and thence following the present boundary of Goliad county to the place of beginning.

Sec. 2. That the boundary of San Patricio county, shall hereafter be as follows: Beginning at the north-west corner of the Gregorias Farias four league tract of land; thence south 51° west twenty-five miles; thence north 39° west to the south corner of Live Oak county; thence north 51° east with said line crossing the Nueces river, to the corner of Bee county; thence down, and with the line of Bee county to the Aransas river; thence down said river with its meanders to its mouth; thence with the western margin of Copano Bay to the south corner of survey No. 13. in the name of Larkin Martin; thence in a direct line to the north-east corner of Survey No. 5 in the name of John N. Seguin; thence with the east line of said survey to the Nueces Bay; thence up said bay and the river of the same name, with the meanders to the beginning.

Sec. 3. That the boundary of Nueces county, shall hereafter so run as to include all that territory formerly included within San Patricio county, which lies between Nueces and Corpus Christi Bays, and the Copano and Aransas Bays, and below the line of San Patricio county, described in the preceding section, beginning at the south corner of survey No.

13 in the name of Larkin Martin; thence in a direct line to the north-east corner of survey No. 5, in the name of John N. Seguin; thence with the east line of said survey to Nueces bay.

Sec. 4. That this Act take effect and be in force from and after its passage.

Approved, December 8, 1857.

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## CHAPTER 14.

An Act to create the County of Bee, (in honor of the late Hon. Barnard E. Bee,) and attach it to the fourteenth Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the territory comprised within the following limits to wit: Beginning on the Blanco creek, at the south-west corner of Goliad and Refugio counties, as defined in this bill; thence up the Blanco creek with its meanders to where the Helena and San Patricio road crosses the same; thence in a direct line to the south-west corner of J. Johnson's survey, on the Medio creek; thence up the Medio to the lower line of the G. Childer's survey; thence north 70 west eleven miles following the lines of the Gill and Igam's surveys; thence south 27 east to the lower line of Live Oak county; thence in a direct line to a point three miles south 36 west from the mouth of Papelote creek; thence in a direct line to the mouth of said creek; thence in a direct line to the beginning—shall constitute a county to be called "Bee," in honor of the late Barnard E. Bee, formerly Secretary of War of the Republic of Texas.

Sec. 2. That the County Court of Bee County, shall as soon as practicable, after being duly qualified, proceed to locate the county seat of said county, by selecting two or more eligible seats within five miles of the centre of said county, having proper respect for any donation of land that may be made for that purpose, and when so selected, the Chief Justice of Bee county, shall order an election for a county seat, according to the laws regulating elections, and the place, receiving a majority of all the votes cast, shall be declared the county

seat of said county, and if from any cause a selection shall not be made at the first election, the Chief Justice shall order another election in the same manner, until a selection shall be made by a majority of the voters of said county, provided, that a point or points not within five miles of the centre, may be selected by said Court, and voted upon for county seat, but such point or points shall receive a majority of two-thirds of the votes cast, or shall fail of an election, said county seat when located shall be called "Beeville."

Sec. 3. That the Chief Justice of Refugio county be, and he is hereby authorized to organize said new county, and it is hereby made his duty to do the same by ordering an election for county officers, according to the general laws regulating elections, said election to be held on a day by him to be named, and due notice of the same to be given in accordance with the law regulating elections; the said election to be held at a point or points within the limits of said county, to be by the said Chief Justice of Refugio County designated, and due notice thereof given to the people of said county, and when the returns of said election shall have been made to him, he shall issue certificates of election to the persons elected, and make due returns thereof, to the Secretary of State, whose duty it shall be to issue commissions to the parties elected, and the said parties may qualify before any officer of the State authorized to administer oaths, in case of absence, or inability of said Chief Justice of Refugio county to act, then any two of the County Commissioners of said county shall have full power to act, and are hereby authorized to perform said duties.

Sec. 4. That the Chief Justice of Refugio county, or in case the county Commissioners shall act, shall be entitled to three dollars per day, for every day occupied by him or them in organizing said county of Bee.

Sec. 5. That said county of Bee, be and the same is hereby attached to the fourteenth Judicial District, and that the Courts be held at the county seat on the last Monday's of March and September of each year, and continue in session one week.

Sec. 6. That this act take effect and be in force from and after its passage.

Approved, 8th December, 1857.

CHAPTER 15.

An Act to remove the disabilities of minority from James N. Scott, William P. Wyatt, William B. Fowler, George B. McKinstry and John P. Arrington, and to declare them severally of lawful age.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the disabilities of minority are hereby removed from James N. Scott, William P. Wyatt, William B. Fowler, George B. McKinstry and John P. Arrington, and they shall hereafter be capable of transacting all business, and making all contracts, the same as if they were severally twenty-one years of age, and they shall be bound in all respects by all contracts made and business transacted by them, the same as if they were severally of the full age of twenty-one years. Provided, that no political privileges shall be conferred.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved, 11th December 1857.

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CHAPTER 16.

An Act to provide for a special election of a Senator; in the 21st District, to fill the vacancy caused by the resignation of the Hon. E. M. Millican.

Section 1. Be it enacted by the Legislature of the State of Texas, That a special election shall be held for a Senator in the 21st Senatorial District to fill the vacancy occasioned by the resignation of the Hon. E. M. Millican, after five days notice shall have been given in the several counties composing said District.

Sec. 2. That the different election precincts in said District shall make their returns of said election to their respective Chief Justices within three days after the election, and the counties composing said District, shall make their returns to the Chief Justice of Robertson county, within eight days



after the election, and the said Chief Justice on the ninth day after the election shall open and count the returns and give a certificate of election to the person who shall have received the highest vote.

Sec. 3. That the Governor be, and is hereby authorized to send a special messenger to the several counties composing said District, with an order for said election under the provisions of this act, who shall be paid from the contingent fund of the Legislature. And this act take effect from its passage.

Approved, 11th December, 1857.

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#### CHAPTER 17.

An Act to admit William H. Burkhart to practice law in the Courts of the State.

Section 1. Be it enacted by the Legislature of the State of Texas, That William H. Burkhart, be and is hereby admitted to practice law in all the Courts of this State. Provided, that the said William H. Burkhart, shall produce a certificate from the County Court of the county in which he resides, that he has a good reputation for moral character and honorable deportment, and after undergoing an examination as required by law, be deemed qualified for admission, and provided also, that the said William H. Burkhart, shall not by reason of his minority be exempt from liability, upon his professional engagements.

Sec. 2. That this act take effect from and after its passage.

Approved, 11th December, 1857.

CHAPTER 18.

An Act to amend the second section of An Act entitled An Act to amend the second section of An Act entitled An Act to amend the second and seventh section of An Act entitled An Act entitled to organize the Supreme Court of the State of Texas, approved, November 30th 1850, approved, February 13th, 1854.

Section 1. Be it enacted by the Legislature of the State of Texas, That so much of the second section of the above entitled Act, approved, February 13th, 1854, as requires the causes decided in the county of Lavaca in the 10th Judicial District, when taken up by appeal or otherwise to the Supreme Court, shall be returnable to the Supreme Court holding its session at the city of Austin, be amended so as to read as follows:

Sec. 2. That the causes decided in the District Court, for the county of Lavaca of the 10th Judicial District, when taken up by appeal or otherwise, to the Supreme Court, shall be returnable to the Supreme Court holding its session at the city of Galveston.

Sec. 3. That all laws and parts of laws, conflicting with this act be, and the same are hereby repealed. And this act be in force and take effect from and after its passage.

Approved, 11th December, 1857.

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CHAPTER 19.

An Act authorizing the Clerk of the District Court of Fayette County, to transcribe certain records therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Clerk of the District Court of Fayette county be, and he is hereby authorized and required to transcribe into a well bound book, or books, to be furnished by said county for that purpose, the minutes of said District Court, contained in books "A" "B" "C" and "D," and when the same

shall have been examined and approved by the County Court of said county, they shall have all the force and effect, in law and equity, that the originals might or could have, and all certified copies taken from them shall be as valid and of the same grade of evidence, as if taken from the original.

Sec. 2. That the said Clerk shall receive for his services, such compensation as may be allowed, by the said County Court, not to exceed, fifteen cents for each one hundred words so transcribed. And that this act take effect, and be in force from and after its passage.

Approved, 11th December, 1857.

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## CHAPTER 20.

An Act authorizing the Clerk of the County Court of Fayette county to transcribe certain records therein named.

Section 1. De it enacted by the Legislature of the State of Texas: That the Clerk of the county court of Fayette county be, and he is hereby authorized and required to transcribe into well bound books to be furnished by said county court, for that purpose, record book "A" of marks and brands, and record books "A" and "B" of deeds, &c. &c.; and when the same shall have been examined, and approved by the county court of said county they shall have all the force and effect in law and equity that the original could or should have, and all certified copies taken from the same shall be as valid and have the same force and effect as if taken from the original.

Sec. 2. That the said clerk shall receive such compensation for his services as shall be allowed by the said county court, not to exceed fifteen cents for each hundred words, so transcribed. And that this act take effect from and after its passage.

Approved 11th December, 1857.

CHAPTER 21.

An Act to change and provide a uniform time for terminating the fiscal year of the several offices of the State Government.

Section 1. Be it enacted by the Legislature of the State of Texas: That the fiscal year shall hereafter terminate on the 31st day of August of each year, and all officers who by law are required to report annually or biennially to the Legislature or Governor, shall close their books and accounts, and compile their respective reports at the aforesaid time in each year.

Sec. 2. That all biennial reports intended for the use of the Legislature, shall be transmitted by the respective officers to the Secretary of State by the first of September of the year in which the Legislature assembles, whose duty it shall be to furnish the same to the party who may have been elected public printer at the preceding session of the Legislature, and it shall be the duty of such public printer to print said reports, as soon after being furnished therewith as practicable, provided the same shall be completed and ready for distribution by the assembling of the biennial session of the Legislature, next succeeding that for which such reports may have been prepared.

Sec. 3. That fifty copies of the report of the Comptroller, and ten copies of the report of the Treasurer, Commissioner of the General Land Office, Superintendent of the Penitentiary, Commissioner of Claims, and State Engineer, respectively shall be printed for the use of each member of the Legislature, and it shall be the duty of the Secretary of State to transmit to the presiding officers, of both Houses of the Legislature at the commencement of each session, all such reports as may have been published under the provisions of this act, for the use of the members of their respective bodies.

Sec. 4. That for the printing of said reports, the same rate of compensation shall be paid that is allowed for printing the laws of the Legislature, and the certificate of the Secretary of State, that the printing has been executed in a satisfactory manner, shall be a sufficient voucher for the accounting officers to audit and pay such claims out of the appropriation made for such purposes.

Approved 11th December, 1857.

## CHAPTER 22.

An Act to provide for the payment of a Company of Mounted Volunteers called into service by the Governor for the protection of those engaged in transporting goods and merchandise over the road from San Antonio to the Gulf.

Section 1. Be it enacted by the Legislature of the State of Texas: That the sum of sixteen thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated for the payment of the Mounted Volunteer Company, under the command of Captain G. H. Nelson, which was called into service by the Governor for the protection of the lives and property of those engaged in transporting goods and merchandize over the road from San Antonio to the Gulf, and for the payment of the Surgeon of said company, and for the payment of the camp equipage, transportation, hospital stores, horse shoeing, amunition, subsistence, and forage, mileage of the members of said company, and the expenses of the commissioned officers in enrolling said Company.

Sec. 2. That all the above items, except the services of the Company, shall be paid at the State Treasury, upon the certificate of the Captain of the Company, approved by the Governor.

Sec. 3. That the payment for the services of the Company shall be made in accordance with the Muster Roll, and the certificate of the commanding officer as to the term of service, which shall be done by a pay master to be appointed by the Governor, who shall make such payment at the city of San Antonio, according to the rates allowed by the United States to volunteer mounted militia, when called into their service.

Sec. 4. That the said Pay Master shall receive for his services the sum of one hundred dollars, to be paid out of any money in the Treasury not otherwise appropriated, and before entering upon his duties, he shall enter into a bond, with two or more securities, to be approved by the Governor, and in such sum as he shall direct, conditioned for the faithful performance of his duty.

Sec. 5. That the Governor be, and he is hereby authorized to retain said Company in the service of the State, for such longer time as he shall deem necessary, to preserve good order between the coast and San Antonio.

Sec. 6. That this act shall take effect and be in force from and after its passage.

Approved 14th December, 1857.

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CHAPTER 23.

An Act prescribing the manner of recording the votes for Governor and Lieutenant Governor.

Section 1. Be it enacted by the Legislature of the State of Texas: That it shall be the duty of the Secretary of the Senate, and Chief Clerk of the House of Representatives on each biennial opening and publishing of the votes for Governor and Lieutenant Governor, as provided by the Constitution, to record the same in tabular form, by counties alphabetically, in the journals of each House respectively, and also to deposit a certified copy of the same in the State Department; and it is hereby made the duty of the Secretary of State to record the same in the book containing the record of votes for other State officers. And that this act take effect from its passage.

Approved 15th December, 1857.

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CHAPTER 24.

An Act to authorize the Clerk of the County Court of Grayson County to transcribe into bound books to be procured by him for that purpose, all records therein mentioned.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Clerk of the County Court of Grayson county be required to transcribe books "A" and "D" of records of deeds, bonds, &c., of Grayson county, also book "A" of records of the Probate Court of Grayson county, in well bound books, to be furnished by him for that purpose, at the expense of the county of Grayson.

Sec. 2. That when said records are transcribed by said clerk, and approved by the county court of Grayson county, they shall have the same force and effect that the original records had both in law and equity, and shall be preserved and considered the record of his office.

Sec. 3. That when said records are made in accordance with the first section of this act, and approved by the county court, said clerk shall be paid a compensation to be allowed by the county court, not to exceed fifteen cents for each one hundred words, out of any money in the county treasury, not otherwise appropriated.

Sec. 4. That this act take effect and be in force from and after its passage.

Approved 15th December, 1857.

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#### CHAPTER 25.

An Act making an appropriation for the per diem pay and mileage of the Members, and the per diem of the Officers of the Seventh Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas: That the sum of fifty thousand dollars be, and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, for the per diem pay and mileage of the members, and the per diem pay of the officers of the seventh Legislature of the State of Texas, and the certificate of the Secretary of the Senate and the Chief Clerk of the House of Representatives, shall be authority for the Comptroller to draw his warrant on the Treasurer for the several amounts that the members and officers are respectively entitled to.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved 17th December, 1857.

CHAPTER 26.

An Act to authorize the Clerk of the County Court of Johnson County to transcribe certain records therein named.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Clerk of the county Court of Johnson county, be, and he is hereby authorized and required to transcribe into a well-bound book, to be provided by said County court for that purpose, record book "A" of records of deeds bonds &c. &c. of Johnson county, and when said records shall have been so transcribed and examined and approved by the said county court, they shall have all the force and effect in law and equity that the originals might or could have, and all copies taken from them shall be as valid and of the same grade of evidence as if taken from the originals.

Sec. 2. That the said clerk shall receive such compensation for his said services as shall be allowed by the said county court, not to exceed fifteen cents for every one hundred words so transcribed, and that this act take effect and be in force from and after its passage.

Approved 17th December, 1857.

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CHAPTER 27.

An Act to repeal an act supplementary to an act for the relief of the citizens of Mercer's Colony, passed February 2nd 1850, approved August 30th, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas: That an act supplementary to an act for the relief of the citizens of Mercer's Colony, passed February 2nd, 1850, approved August 30th 1856, be and the same is hereby repealed. Provided, that the passage of this act shall not in any way affect the right of parties who have received certificates for land from any District Court under the provisions of the act hereby repealed.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved 17th December 1857.



## CHAPTER 28.

An Act for quieting the title to real estate in the city of Austin.

Whereas, an act was passed by the Republic of Texas, 1839, "for the permanent location of the seat of government," and under and by virtue of said act the Commissioners, A. C. Horton, J. W. Burton, L. P. Cook, William Menefee and Isaac Campbell, for that purpose duly appointed, selected and appropriated the present site of the city of Austin. And whereas, among other lands by them selected, was the third of a league surveyed by virtue of the headright certificate of Samuel Goucher, deceased, which was also selected and condemned in due form under said law, before the issuance of any patent on said survey, and whereas, doubts have arisen as to the true ownership of said third of a league of land at the time of its aforesaid selection and condemnation to public uses, and as to whether the compensation provided therefor, was paid to the true owner or proper person. Now therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That any person or persons, their heirs, assignees and legal representatives who may claim to have owned the legal or equitable title to said third of a league of land at the time of its selection, may bring his, her, or their suit against the Treasurer of the State of Texas for the value of said land and damages, making all other persons likewise so claiming, parties defendant to the suit. Provided, that if it appear upon the trial of such suit, that Edward Burleson, to whom the condemnation money was paid by the State, under the proceedings had in pursuance of the original act of condemnation, was the legal owner, or had the equitable interest in and to said land, then and in that case the judgment of the court shall be in favor of the State; and provided further, that this act is not intended to give any validity whatever or force to any title, or claim of title, whether legal or equitable, which may have been acquired from the government since the condemnation of the land aforesaid: and Provided further, that all persons having claim to the land aforesaid are hereby required to plead and become parties to the suit before provided for, whether as plaintiffs, defendants, or intervenors, else their claim shall be forever barred.

Sec. 2. Be it further enacted, That said suit shall be instituted in the District Court of Travis county, within twelve months from the passage of this act, and notice of the same shall be served on the Attorney General of the State, whose duty it shall be to appear and defend the suit on behalf of the State, and such suit shall be tried according to the rules of law and equity, in force in this State.

Sec. 3. If the plaintiff or other claimant who may be made defendant shall recover in said suit, the amount recovered shall be the value of the said third of a league at the time it was selected by the aforesaid Commissioners, with interest thereupon from that time at eight per cent. per annum and costs of suit, and on presentation of said judgment the Treasurer shall pay and satisfy the same from the Treasury.

Sec. 4. Be it further enacted, that all the acts of the aforesaid Commissioners in the selection and condemnation of said third of a league of land, and the said condemnation for public purposes be, and the same are hereby fully ratified and confirmed.

Sec. 5. Be it further enacted, That the sum of fifteen thousand dollars or so much thereof as may be necessary be, and is hereby appropriated for the purposes of this act.

Sec. 6. And that this act take effect from and after its passage.  
Approved 18th December, 1857.

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## CHAPTER 29.

An Act to create the Nineteenth Judicial District of the State of Texas, to regulate the holding of Terms of the District Court in said District, and providing for the election of District Judge and District Attorney in said District, and for trial of certain causes in said District.

Section 1. Be it enacted by the Legislature of the State of Texas: That the counties of McLennan, Bosque, Erath, Palo Pinto, Buchanan, Comanche, Coryell and Bell shall constitute the nineteenth Judicial District of the State of Texas.

Sec. 2. The District Court shall be holden in said nineteenth Judicial District at the following times and places to wit: In the county of McLennan on the third Mondays in March and September in each year, and may remain in session three weeks. In the county of Bosque, on the third Mondays after the third Mondays in March and September in each year, and may continue in session one week. In the county of Erath on the fourth Mondays after the third Mondays in March and September in each year, and may continue in session one week. In the county of Palo Pinto, on the fifth Mondays after the third Mondays in March and September, in each year, and may continue in session one week. In the county of Buchanan on the sixth Mondays after the third Mondays in March and September in each year, and may continue in session one week. In the county of Comanche, on the seventh Mondays after the third Mondays in March and September in each year, and may continue in session one week. In the county of Corryell on the ninth Mondays after the third Mondays in March and September in each year, and may continue in session two weeks. In the county of Bell on the eleventh Mondays after the third Mondays in March and September, and may continue in session until the business is disposed of.

Sec. 3. That the Governor of the State of Texas be, and he is hereby authorized immediately to order an election to be holden in the said Nineteenth District for a District Judge, and a District Attorney for said District.

Sec. 4. That said election for District Judge, and District Attorney, shall be holden in all respects in conformity with the laws now in force governing the election of District Judges, and District Attorneys in this State.

Sec. 5. That on the thirtieth day after the election for District Judge, and District Attorney in said Nineteenth Judicial District, the Secretary of State shall proceed to open and count the returns of election from said District, as provided by the ninth section of an act supplementary to an act regulating elections, passed March 16th, 1848.

Sec. 6. All writs and process that have been or may hereafter be issued from any of the District Courts of the third Judicial District, which are by this act embraced in the Nineteenth Judicial District, shall be considered as returnable, and shall be returned to the terms of the District Courts in the several Counties as fixed by this act, and they shall have the same force and effect as if they had been originally issued so returnable.

Sec. 7. That all suits, civil or criminal now pending in the District Courts, of the counties of Bosque and Corryell, the jurisdiction of which would have been in the counties of Erath, Palo Pinto, and Comanche, had said counties been organized as to District Courts, when said suits were commenced, shall upon the application of either Plaintiff or Defendant, by motion before the District Judge be transferred to the proper county for trial, and all appeals from the District Courts of the Nineteenth District, shall be to the Austin term of the Supreme Court.

Sec. 8. That this act take effect from and after its passage and all laws and parts of laws in conflict herewith, be and the same are hereby repealed.

Approved, 19th December, 1857.

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## CHAPTER 30.

An Act supplementary to and amendatory of an act to Regulate Railroad Companies, approved February 7, 1853.

Section 1. Be it enacted by the Legislature of the State of Texas, That the caption or title of an act entitled an act to regulate Railroad Companies, approved February 7th, 1853, be so amended that hereafter the same shall read as follows, to wit: an act to regulate railroad companies and to prescribe the mode and effect of forced sales under execution, and deeds of trust, road beds, property and franchises of such companies.

Sec. 2. That every Railroad Company heretofore incorporated, or which may hereafter be incorporated by the Legislature of this State, shall be required to keep its stock books at the principal office of the Company on the line of its road, in which books shall be entered all certificates of the capital stock issued by said Company, and all transfers of stock shall be entered in such books, which, at all reasonable business hours shall be open to the inspection of each stockholder, and to any agent or officer of the State, whose duty it may be to inspect such books; and all meetings of the Directors of any

Railroad Company for the transaction of business shall be held at the office of said Company, as required to be kept by this section.

Sec. 3. That at least a majority of the Directors and the President or Vice President, Treasurer, and Secretary of every Railroad Company entitled to the benefits and privileges of an act entitled an act to encourage the construction of Railroads by a donation of land, approved January 30, 1854, or of an act to provide for the investment of the Special School fund, passed August 13, 1856, shall reside within the State of Texas.

Sec. 4. That every Railroad Company shall have the power to make such by-laws as they may think proper for the government of the Company, the same not being inconsistent with the objects of its charter, or the laws of the State; and in the enactment of such by-laws, the stock holders shall be entitled to one vote for each share of stock held by them, and may vote in person or by written proxy. And it shall require a vote of a majority of not less than two-thirds of the stock of the Company to establish such by-laws; and no Company shall have the power to make any trust deed or mortgage on the franchise or property of the Company, unless the power is expressly given by the by-laws of the Company.

Sec. 5. The road-bed, track, franchise and chartered rights and privileges of any Railroad Company in this State, shall be subject to the payment of the debts and legal liabilities of said Company, and may be sold in satisfaction of the same; but the said road-bed, track, franchise and chartered powers and privileges shall be deemed an entire thing, and must be sold as such; and in case of the sale of the same, whether by virtue of an execution, order of sale, deed of trust, or any other power, the purchaser or purchasers at such sale, and their associates, shall be entitled to have and exercise all the powers, privileges and franchises granted to said Company by its charter, or by virtue of the general laws of this State; and the said purchaser or purchasers and their associates shall be deemed and taken to be the true owners of said charter, and corporators under the same, and vested with all the powers, rights, privileges and benefits thereof, in the same manner and to the same extent, as if they were the original corporators of said company; and shall have the power to construct, complete, equip and work the road upon the same terms and

under the same conditions and restrictions as are imposed by their charter and the general laws of this State.

Sec. 6. Whenever a sale of the road-bed, track, franchise, and chartered rights and privileges of any Railroad Company, is made by virtue of any deed of trust or power, the same shall be made at the time and place mentioned in the deed of trust or power, and in accordance with the provisions of the same, as to notice, and in other respects; and if the same be not specified, such sale shall be made as hereinafter provided for sales under execution or order of sale.

Sec. 7. Whenever judgment is rendered against any Railroad Company, the party in whose favor such judgment is rendered may have execution thereon directed to the Sheriff of that county in which the principal office of said Company is kept; and if the said Company fail to point out other property to satisfy said execution, said Sheriff may at the request of the plaintiff, levy the same upon the road bed, track, franchise and chartered powers and privileges of said Company, and said levy shall be held to embrace the whole road-bed, and track, and entire line of said Railroad, whether situated in the same county or not, and he shall proceed to advertise and sell the same at the Court-house door of his county, as in other cases, making the same advertisement as is provided by law in cases of the sale of lands; and upon said sale shall execute to the purchaser a conveyance of the said road bed, track, franchise, chartered powers, rights, and privileges. And the provisions of this section shall be observed so far as they are applicable, in all cases where, by any decree of a competent court, a sale of the road-bed, track, franchise, and chartered rights of any railroad Company is directed to be made. And provided this section shall not be so construed as to prevent the issuance of execution to another county than that in which judgment is rendered, without first selling the road-bed, track franchise and chartered powers.

Sec. 8. The sale of the road-bed, track, franchise and chartered rights as hereinbefore provided, shall not be held to pass or convey to the purchaser any right or claim to recover from the former stockholders of said Company, any sums which may remain due upon their subscriptions of stock, but the said stockholders shall continue liable to pay the same in discharge and liquidation of the debts due by the sold out Company, as hereinafter provided.

Sec. 9. Whenever a sale of the road-bed, track, franchise, and chartered powers and privileges is made, as herein before provided (unless other persons shall be appointed by the Legislature, or by some court of competent authority,) the Directors or Managers of the sold out Company at the time of the sale, by whatever name they may be known in law, shall be the trustees of the creditors and stockholders of the sold out Company, and shall have full powers to settle the affairs of the sold out Company, collect and pay the outstanding debts, and divide among the stockholders the money and other property that shall remain after the payment of the debts and necessary expenses; and the persons so constituted trustees shall have authority to sue by the name of the trustees of such sold out Company, and may be sued as such, and shall be jointly and severally responsible to the creditors and stockholders of such Company, to the extent of its property and effects that shall come to their hands. And no suit pending for or against any Railroad Company at the time that the sale may be made of its road-bed, track, franchise and chartered privileges, shall abate, but the same shall be continued in the name of the trustees of the sold out Company.

Sec. 10. That the provisions of this act shall not apply to any debt, execution, or deed of trust held by the State against any Railroad Company, because of any loan made by the State to any Company, under the provisions of the act to provide for the investment of the Special School Fund, or any other law which authorizes the loan of money to Railroad Companies, nor shall any creditor of any Railroad Company, be allowed to make the State a party to any suit brought for the enforcement of any debt, mortgage or deed of trust or lien on any Railroad, or permitted to require the State to foreclose any lien which it may have upon any road, but the lien of the State and its right to enforce the same, shall continue as if this act had never been passed, and as if no sale had been made under the provisions of the same.

Sec. 11. That every Railroad Company which has been chartered in this State, the entire length of whose road is less than three hundred miles, shall, previous to the first day of January 1860, designate the termini of said road—where the same are not fixed in their charters—and the counties through which their road shall pass, following the direction and touching the points established in their charters; and they shall also designate, as near as practicable, the points at which said

roads cross the rivers, over which they will pass between said termini. And where any such road is of greater length than three hundred miles, the designation of its said route and crossings, as above required, shall be made for the additional distance of one hundred miles, annually, after said first day of January, 1860. Provided, that such Railroad Companies as shall be hereafter incorporated, shall make the designation of their termini, route and crossings for the first three hundred miles, within two years after the date of their act of incorporation, and one hundred miles annually thereafter, unless it is otherwise provided in their charter. And each of said companies, so designating their termini, route and crossings, shall immediately report the same to the General Land Office of this State, under the seal of said Company. Provided further, that whenever any Railway Company shall have designated the route or line of their road, and thereby secured any reservation of public land under the laws of this State, and such Company shall hereafter change said route or line, such change shall in no case authorize the said Company to alter, or in anywise change the reservation already secured, or by such alteration or change, to secure a reservation on the line or route so newly designated.

Sec. 12. That any Railroad Company neglecting or refusing to comply with any of the provisions of this act, shall be entitled to none of the benefits granted by "an act to encourage the construction of Railroads," approved January 30, 1854; nor of the "act to provide for the investment of the Special School Fund," passed August 13, 1856, and the charter of said Company shall be forfeited.

Sec. 13. All Railroad Companies now chartered and organized, shall have six months to comply with the provisions of the second and third sections of this act, and that this act shall, in all other respects, take effect and be in force from and after its passage.

Approved December 19, 1857.



## CHAPTER 31.

An Act to define the northern boundary line of the Mississippi and Pacific Railroad reserve.

Section 1. Be it enacted by the Legislature of the State of Texas, That the beginning point on the eastern boundary of Texas of the northern line of the Pacific Railroad reservation shall be at the south-west corner of the State of Arkansas, and the north-west corner of the State of Louisiana, and thence west to the town of Linden, in Cass county, and Dangerfield, in Titus county, thence west to Big Cypress, and thence with south boundary line of Titus county to the south-east corner of Hopkins county, thence to the south-west corner of said Hopkins county, and thence west to the south-east corner of Collin county, and thence west with the south boundary lines of the counties of Collin, Denton, Wise, Jack, and Young, to the south-west corner of Young county, and thence west to the eastern boundary of New Mexico, and thence south to the south-east corner of New Mexico, and thence west with the south boundary line of New Mexico to the Rio Grande.

Sec. 2. That the application and operation of "An Act to authorize the location, sale and settlement, of the Mississippi and Pacific Railroad reserve," passed August 26th, 1856, shall be governed and controlled by said boundary line as set within the first section of this Act: Provided, That nothing in this Act contained shall be so construed as to prevent the patenting of scrip heretofore issued by authority of the Act entitled "An Act to authorize the location, sale and settlement, of the Mississippi and Pacific Railroad reserve," which may have been, or may hereafter be, located north of the boundary line, as herein proposed, and south of the lines as recognized by the General Land Office. And that this Act take effect and be in force from and after its passage.

Approved, 21st Dec., 1857.

CHAPTER 32.

An Act to provide for the sale of a certain amount of United States five per cent. Bonds.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of Public Accounts be, and he is hereby authorized and required to dispose of one hundred thousand dollars, or any part thereof, of the five per cent. United States Indemnity Bonds, belonging to this State, either by sale or hypothecation, as may be deemed best, with a view of realizing funds for immediate use, and on such terms and conditions as the Governor, Comptroller and Treasurer, shall, in their judgment, think most advantageous for the interest of the State.

Sec. 2. Be it further enacted, That the funds, realized from the sale of the bonds aforesaid, shall be deposited in the Treasury to meet appropriations heretofore made and to be made hereafter.

Sec. 3. Be it further enacted, That this Act take effect from and after its passage.

Approved December 23, 1857.

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CHAPTER 33.

An Act to create the county of Montague.

Section 1. Be it enacted by the Legislature of the State of Texas, That the territory included within the following limits, to-wit: Beginning six miles west of the north-west corner of Denton county, thence west with the north line of Wise and Jack counties to a point four miles west of the north-east corner of Jack county, thence due north to Red river, thence down said river with its meanders to a point due north of the beginning, thence south to the beginning, be and the same is hereby constituted into a new county, to be known by the name of the county of Montague.

Sec. 2. That the Chief Justice of Cooke county shall, as soon as practicable, order an election to be holden in said

county of Montague, for the purpose of electing a Chief Justice and all other county officers, the election to be ordered and conducted according to law. And after the election of such officers, it shall be the duty of said Chief Justice of Cooke county to qualify them for the discharge of their duties.

Sec. 3. That it shall be the duty of the County Court of said county, as soon as practicable after the due organization of said Court, to proceed to locate the seat of justice of said county, by selecting at least three eligible sites within five miles of the center of said county, having due regard for donations of land as well as convenience of wood and water; and when so selected, the Chief Justice shall order an election, which shall be conducted according to the general laws governing elections for county officers. And if, at the first election, neither of the sites so selected shall have received a majority of all the votes cast, the place receiving the smallest number of votes shall be dropped, and a new election ordered as before, and so continued; the site receiving the smallest number of votes to be dropped each time, until some one of the sites, so selected and voted for, shall have received a majority of all the votes cast; which site shall be declared the seat of justice of said county, by the name and style of Montague. That all settlers, who have resided within the limits of said county a period of sixty days next preceding the election, of the age of twenty-one years, shall be entitled to vote for the location of the county seat.

Sec. 4. That in case the site selected, according to the provisions of the foregoing section, shall fall upon vacant public domain, then the State does, by this Act, relinquish and donate to said county of Montague, all her right and title to three hundred and twenty acres of land upon the proper return of field notes, for that purpose, to the Commissioner of the General Land Office, which shall be disposed of by the commissioners of said county upon such terms as shall be most conducive to the interest of said county, and the proceeds applied to the erection of necessary public buildings.

Sec. 5. That the Chief Justice of Cooke county shall be entitled to three dollars per day for his services in holding elections and organizing said county of Montague.

Approved December 24, 1857.

CHAPTER 34.

An Act to create the county of Clay.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the territory contained within the following limits, to-wit: Beginning at the south-west corner of the county of Montague, and thence west with the north boundary line of the county of Jack, to the north-west corner of said county, thence north to Red river, and thence down said stream to the north-west corner of Montague county, and thence south, with the western boundary line of said last named county, to the place of beginning, be and the same is hereby created into a county to be known by the name and style of the county of Clay.

Sec. 2. That the Chief Justice of the county of Cooke be required, as early as practicable, to order an election in said county of Clay, for all county officers, and proceed to qualify them when elected, as required by section second of "An Act entitled an Act to create the county of Montague."

Sec. 3. That for the purpose of selecting a seat of justice for said county, the same mode shall be pursued as set forth in section third of the Act entitled "An act to create the county of Montague," and as far as applicable, the provisions of said section shall apply in the selection of the seat of justice for the county of Clay, the seat of justice of said county to be known by the name of Henrietta.

Sec. 4. That section fourth of the Act last above referred to shall be applicable in the selection of the seat of justice of Clay county, and the Commissioner of the General Land Office shall patent said selection in the name of said county, should said county site fall on vacant and unappropriated public domain, upon a proper return of the field notes, duly recorded and certified to, as required in other cases.

Sec. 5. That the Chief Justice of Cooke county shall be entitled to three dollars per day for his services as imposed upon him by the provisions of this Act.

Sec. 6. That all the territory lying west of said county of Clay, and co-extensive with the Cooke county land district, including the territory of said land district north of Red river, and not included in any other county, shall be attached to said county of Clay for judicial and general purposes.

Approved December 24, 1857.

## CHAPTER 35.

An Act making a contingent appropriation for the support of the State Penitentiary.

Whereas, It appears, from the reports of the Directors and financial agent of the Penitentiary, that no general appropriation will be necessary for the support of the Factory system, as adopted by the State; but, by reason of sales having been made on time, and not yet matured, that a contingent appropriation of twenty thousand dollars is needed for the purchase of material, therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of twenty thousand dollars is hereby appropriated for the purchase of material for the use of the Texas State Factory, and the Comptroller of Public Accounts is authorized and required to draw his warrant on the State Treasury for the same in favor of the financial agent, on his requisition, approved by the Directors.

Sec. 2. That so soon as debts mature, and funds accumulate in the hand of said agent, from sales, &c., he is hereby required to pay the same quarterly, or oftener if required by the Directors, into the State treasury.

Sec. 3. That this Act take effect from and after its passage.

Approved December 30, 1857.

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CHAPTER 36.

An Act to organize the county of Presidio.

Section 1. Be it enacted by the Legislature of the State of Texas, That James Dawson, of the county of Presidio, be and he is hereby authorized to organize the county of Presidio, by ordering and causing an election to be held therein for the necessary county officers. He shall, for that purpose, at any time within one year from the passage of this Act, order an election to be held at the election precincts already established in said county, on a day to be designated by him;

he shall appoint a presiding officer for each precinct, and shall cause notice of the time and place of holding said election to be posted ten days previous thereto at three or more public places in said county. The said election shall be conducted in all respects as other elections for county officers.

Sec. 2. That the said James Dawson also be authorized to administer the necessary oath of office to the persons who may be elected at said election.

Sec. 3. That the town of Presidio del Norte be and the same is hereby declared the county seat of said county.

Sec. 4. That this Act take effect from and after its passage, and that all laws and parts of laws, conflicting herewith, be and the same are hereby repealed.

Approved January 2, 1858.

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CHAPTER 37.

An Act to authorize and require all forced sales of Real Estate and negroes, and sales of Real Estate or negroes, made by executors and administrators in the county of Calhoun, to be made at the door of the Casimer House, in the city of Indianola.

Section 1. Be it enacted by the Legislature of the State of Texas, That all forced sales hereafter to be made of Real Estate or negroes, and all sales made by executors and administrators of Real Estate or negroes, in the county of Calhoun, shall be made at the door of the Casimer House in the city of Indianola; and that all laws and parts of laws, conflicting herewith, be and the same are hereby repealed. Provided, that should the county seat be by law removed from the city of Indianola, then, and in that case, the said sales shall be made at the Court House of said county.

Sec. 2. That this Act be in force and take effect from and after the first day of February, A. D. 1858.

Approved January 4, 1858.

## CHAPTER 38.

An Act to repeal a portion of the Act of February tenth, 1852, entitled An Act relating to lands in Peters' Colony.

Section 1. Be it enacted by the Legislature of the State of Texas, That so much of the Act of February 10th, 1852, entitled an Act relating to lands in Peters' colony, as authorizes any County Court within said colony, or any clerk thereof, to take evidence in relation to the rights of any person to land as a colonist, or to issue any certificates for lands to any person as a colonist, or otherwise, is hereby repealed.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved January 5, 1858.

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CHAPTER 39.

An Act to create the county of Throckmorton.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the territory comprised within the following limits: Beginning at the south-west corner of Young county, thence west thirty miles, thence north thirty miles, thence east to the north-west corner of Young county, thence south with the line of Young county to the beginning, be and the same is hereby constituted a new county, by the name of the county of Throckmorton, in honor of Dr. William E. Throckmorton, deceased, one of the first pioneers of northern Texas.

Sec. 2. That the following named persons be and they are hereby appointed commissioners to organize said county, and locate the county seat of said county, to-wit: Thomas Lamshead, William L. Browning, and Robert King. That the commissioners aforesaid, or any two of them, shall, within three months after the passage of this Act, lay off the said county of Throckmorton in suitable election precincts in accordance with law, and shall, within the said three months, order an election for county officers, to-wit: a Chief Justice,

four County Commissioners, a County and District Clerk, a Sheriff, a Coroner, Assessor, and Collector, two Justices of the Peace, and one Constable, in each election precinct; which election shall be advertised at three or more public places in the county of Throckmorton, stating the times and places, which places shall be the different election precincts laid out by the commissioners as heretofore provided, and in accordance with an Act to provide for organizing new counties, approved March 20th, 1848. And either of the commissioners aforesaid shall qualify the person elected to the office of Chief Justice of the county of Throckmorton, who, when qualified by the said commissioners, shall qualify the other officers elected for said county of Throckmorton.

Sec. 3. That it shall be the duty of said commissioners to proceed, as early as practicable after laying out election precincts in the said county of Throckmorton, to locate the county seat of said county, by selecting at least three eligible sites, not exceeding five miles from the center of said county, having due respect for any donation of land that may be made for that purpose, as well as convenience of wood and water; and when so selected, the commissioners aforesaid shall order an election, which shall be conducted according to the general laws governing elections for county officers; and if, at the first election, neither of the sites, so selected, shall receive a majority of all the votes cast, the place receiving the smallest number of votes shall be thrown out, and the commissioners shall order another election as before, and so continue to do, throwing out the site receiving the smallest number of votes, until some one of the sites selected shall receive a majority of all the votes cast, which shall be declared to be the county seat of said county, and shall be called Throckmorton.

Sec. 4. That all white male citizens, (21) twenty-one years of age, who have resided within the limits of said county sixty days prior to said election, shall be entitled to vote for the location of the county seat.

Sec. 5. That in case the site, which shall be declared to be the county seat of said county, shall prove to be vacant and unappropriated domain, then the State does, by this Act, relinquish and donate to the county of Throckmorton all her right and title to (320) three hundred and twenty acres of the same; and the Commissioner of the General Land Office is hereby authorized to issue a patent in the name of said county,



for the said three hundred and twenty acres, upon a return, according to law, of the plat and field notes of the same in the General Land Office, duly certified; and the said County Court, of said new county, shall have the power to purchase, if necessary, land not to exceed three hundred and twenty acres for the use of said county, (should the site, selected as above provided, prove to be appropriated land,) and shall lay off the site, so selected, into suitable lots; and, after selecting and setting apart such suitable lots as may be necessary for a Court House, Jail, Clerk's office, churches, school-houses, and burying-grounds, they shall proceed to sell the remainder, or such portions thereof as they may deem necessary, at public auction, at such time and upon such terms as will most conduce to the interest of the county, and shall apply the proceeds thereof to the erection of necessary public buildings for the use of said county.

Sec. 6. That all courts, in and for said county, shall be held at Tarrant's and Gibbon's ranche, on Elm Creek, until a suitable building shall be erected, for that purpose, at the county seat of said county.

Sec. 7. That this Act take effect from and after its passage.

Approved January 13, 1858.

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#### CHAPTER 40.

**An Act to prolong the time of holding the regular quarterly terms of the County Courts for the transaction of county business.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the regular quarterly terms of the County Courts of the various counties for the transaction of all business growing out of, or connected with the powers and jurisdiction of the County Courts, over matters other than those named in the second and twentieth sections of the act of March 16th, 1848, entitled "An act to organize County Courts," may continue for one week, but not longer.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved, January 15th, 1858.

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CHAPTER 41.

An Act defining the time of holding the Courts in the Second Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the passage of this act, the District Courts of the Second Judicial District shall be held at the times following, to-wit: In Bastrop county on the first Mondays in April and October of each year, and may continue in session three weeks; in Caldwell county on the third Mondays after the first Mondays in April and October, of each year, and may continue in session two weeks; in Gaudalupe county on the fifth Mondays after the first Mondays in April and October, of each year, and may continue in session three weeks; in Hays county on the eighth Mondays after the first Mondays in April and October, of each year, and may continue in session one week; in Travis county on the ninth Mondays after the first Mondays in April and October of each year, and may continue in session until the business is disposed of.

Sec. 2. That all writs and other process which may be issued before this act takes effect, and which may be made returnable at the time now fixed by law for holding the District Courts in said District, shall be construed to be returnable at the times herein established, and that this act be in force from its passage.

Approved, January 15th, 1858.

## CHAPTER 42.

An Act to amend an act to define the First Judicial District, and to fix the time for holding the District Courts therein, approved July 19th, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the second section of the above named act be so amended as to read as follows:

"Sec. 2. The District Courts in the first Judicial District shall commence and be held as follows, to-wit: In the county of Brazoria on the first Monday in April and October, and may continue in session two weeks; in the county of Matagorda on the second Monday after the first Mondays in April and October, and may continue in session one week; in the county of Wharton on the third Mondays after the first Mondays in April and October, and may continue in session one week; in the county of Colorado on the fourth Mondays after the first Mondays in April and October, and may continue in session two weeks; in the county of Fayette on the sixth Mondays after the first Mondays in April and October, and may continue in session three weeks; in the county of Austin on the ninth Mondays after the first Mondays in April and October, and may continue in session two weeks; in the county of Fort Bend on the eleventh Monday after the first Monday of April and on the first Mondays in January, and may continue in session until the business is disposed of.

Approved, January 15th, 1858.

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CHAPTER 43.

An Act supplementary to, and amendatory of An Act entitled An Act to ascertain the legal claims for money and lands against the State, passed August 1st, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of an act entitled "an act to ascertain the legal claims for money and lands against the

State," passed August 1st, 1856, shall hereafter read as follows:

There shall be elected by a joint vote of the Legislature, a "Commissioner of Claims," who shall hold his office until the first day of September, A. D. 1859. He shall keep his office at the city of Austin, and shall receive an annual salary of two thousand, two hundred and fifty dollars. Before he enters upon the discharge of the duties of his office, he shall enter into bond with two or more good and sufficient sureties, in the sum of twenty thousand dollars, made payable to the Governor of the State of Texas, and his successors in office, conditioned that he will well and truly discharge all the duties, required of him by law, which bond shall be approved by the Governor, and by him filed in the office of the Secretary of State. He shall be allowed one Chief Clerk, to be appointed by him, who shall receive an annual salary of twelve hundred dollars; and one assistant clerk, who shall receive an annual salary of nine hundred dollars. If from any cause, a vacancy shall occur, in said office of Commissioner of Claims, during the recess of the Legislature, the Governor shall fill the same by appointment.

Sec. 2. That the second section of said act, shall hereafter read as follows:

All land certificates of every description, except headright certificates of the first and second classes, which have been returned as genuine and legal, by the Commissioners appointed, under an act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants, approved 29th January A. D. 1840, and certificates issued under some special act of the Congress of the Republic of Texas, or of the Legislature of this State, and certificates to the colonists of Peters' Colony, Mercer's Colony, Castro's Colony, Fisher and Miller's Colony, and the Colonists of the German Emigration Company, and certificates issued for premium lands in said Colonies, and certificates issued to companies incorporated under the laws of this State, for the purpose of internal improvement, and to persons for building vessels under the provisions of the act of February 3rd, A. D. 1854, entitled an act to encourage the building of steamboats, steamships, and other vessels in the State of Texas, and pre-emption certificates and certificates issued under the provisions of an act to open and establish a national road, passed February 5th, 1844, and certificates for unlocated balances of any of the above enumerated certificates,

shall be presented to said Commissioner of Claims for registry within two years, from and after the first day of September A. D. 1856, or they shall be forever barred from location surveys and patent. And any such certificates which have been entered, surveyed or located and filed in any District Surveyor's office, or returned to the General Land Office, or filed in any suit in any District Court, may be withdrawn from said office or court, for the purpose of being presented to said Commissioner of Claims, without in any manner affecting or violating said entry, location, or survey, or the right of the party claiming under any such certificates, in any such suit.

Sec. 3. That the sixth section of said act shall hereafter read as follows: whenever a land certificate is presented to the said Commissioner of Claims for his approval, under the provisions of this act, he shall register it as directed by the third section of this act, if it has not already been registered, and if it is a headright certificate, he shall compare it with a report of the Clerk of the Board of Land Commissioners, or of the Court by which it purports to have been issued, and if satisfied that it is a genuine certificate, he shall write across the face of it the word "approved," with the date of its approval, and sign his name thereto. If, however, such certificate was issued to an assignee, and he shall have reason to believe the assignment thereof was forged, he shall withhold his approval, until the assignment is proved to be genuine by the evidence of at least two credible witnesses, before the commissioner, or by deposition taken before any officer authorized to take depositions under the laws of this State, and until the identity and residence of the parties and witnesses to such assignment is proved in the same manner. If such a certificate is a bounty or donation certificate, and the Commissioner has in his office any record or paper showing it to be a genuine one, or if the evidence of at least two credible witnesses, taken as above, is produced to him, that it is a genuine one, he shall file such evidence, and shall write across the face of the certificate the word "approved," with the date of its approval, and sign his name thereto.

Provided, however, that he shall hold his approval from any bounty or donation certificate issued to an assignee since the 29th day of November, A. D., 1851, until the genuineness of the assignment, and the identity and residence of the parties and witnesses thereto, shall be proved by the testimony of at least two credible witnesses, in the manner herein prescribed

or otherwise established to the satisfaction of the Commissioner, and should the Commissioner of Claims, upon such investigation and examination of any such bounty, or donation, headright or other certificate, issued to an assignee, be satisfied that the original grantee was entitled to said certificate, and no satisfactory evidence of the genuineness of the assignment shall be presented, he shall endorse said certificate "approved for the benefit of the original grantee," giving the name; and patent shall not issue on any such claim, until the rightful owner thereof is proved before the Commissioner of Claims, or the person performing the duties of said office. In all cases where certificates shall be approved under the provisions of this section, the said Commissioner shall note the approval with the date thereof in the margin of his register, opposite the entry of the certificate. And any individual holding a headright certificate, which may be rejected, or refused to be approved by the Commissioner of Claims, shall have the right within twelve months from the time of such rejection, to bring suit in the District Court of the county, in which said certificate issued, for the establishment of the same, which suit shall be brought and conducted in the manner prescribed for the establishment of certificates not recommended by the act of February 4th, 1841, entitled "an act supplementary to an act to detect fraudulent land certificates, and provide for the issuing of patents to legal claimants." And all certificates which shall have been presented for registry, shall be presented for approval on or before the first day of September, 1858, or the same shall be null and void.

Provided, This act shall not be construed to give jurisdiction either to the Commissioner of Claims or the District Court for the re-establishment of any unrecommended certificate embraced within the purview of the second section of the 11th article of the Constitution. Nor shall this act authorize the Commissioner of Claims to approve any unconditional headright certificates unless it shall appear from the records of his office, or other satisfactory evidence that the corresponding conditional certificate was regularly issued, where such conditional certificate was required by law to be issued.

Sec. 4. That the 7th section of said Act shall hereafter read as follows:

Any grantee of a conditional headright certificate, or his heirs, executors, or administrators, may apply, by a motion in

writing, to the District Court of the county in which such conditional certificate was issued, for a corresponding unconditional certificate, which shall be granted by such Court upon such proof as would have authorized its issuance by any Officer, Board, or Court of the Republic or State of Texas, under the laws in force at any time previous to the 1st day of November, A. D. 1853. And upon further proof, by the certificate of the Commissioner of the General Land Office, under his seal of office, that such conditional certificate was duly reported to his office by the proper officer, and that no corresponding unconditional certificate appears, from the records or files of his office, to have been granted or issued, and upon a like certificate of the Commissioner of Claims, that such unconditional certificate does not appear, from the records or files of his office, to have been issued. The said unconditional certificates, when granted by any District Court, may be issued by the clerk thereof, under his seal of office, and attested and approved by the presiding Judge, but shall require no other or further approval for location, survey or patent. Provided, however, that no certificate shall issue to an assignee, under the provisions of this act. The clerks of the District Court shall each, at the close of every term, report to the Commissioner of the General Land Office all certificates issued by him under the provisions of this act. The District Attorneys of the Districts in which any such applications may be made, shall represent the State therein, and the same may, on the motion of the applicant, be taken up and disposed of at any time when the Court is not engaged in the trial of a cause. All claims for such unconditional certificates not presented to the proper District Courts for allowance, on or before the first of October, A. D. 1859, shall be forever barred. All original applications for headright certificates shall be presented to said Commissioner of Claims with the best evidence it is in the power of the applicants to produce, in regard to their right to the land for which they apply, together with proof of their identity and residence by at least two credible witnesses; and it shall be the duty of said Commissioner to report to the Legislature, for its action, a list of all such applications, with the evidence in support thereof, and his opinion in regard thereto, and such applications not presented on or before the first day of September, A. D. 1858, shall be forever barred.

Sec. 5. No duplicate of a conditional certificate, Poe certificate, or of the Discharge, shall hereafter be issued. Nor shall a duplicate Military Warrant be issued to the heirs of a deceased person until after the first day of September, A. D. 1858. And all the heirs, who are of age, shall make affidavit before some officer authorized to administer oaths, using a seal, that they have no knowledge that the deceased transferred his right to said claim during his life-time; nor have they transferred their right thereto since his death. That from and after the first day of September, A. D. 1858, duplicates may issue to the heirs of deceased persons as in other cases.

Sec. 6. That no certificate for an unlocated balance of a certificate, which has in part been patented, shall be issued unless the original certificate has been approved, or issued by said Commissioner of Claims; but this section does not apply to certificates for unlocated balances of such certificates as are not by law required to be presented to and approved by said Commissioner.

Sec. 7. Said Commissioner of Claims shall be authorized to approve all augmentation certificates which were issued under the act of 4th January, 1841, to persons for marrying in this county previous to 1st January, 1842, in the same manner as other genuine head-right certificates are approved.

Sec. 8. That the business of said office shall be conducted as nearly as is consistent with its organization and powers, in the same manner as the business of the General Land Office; and to this end the Commissioner shall act upon claims in the order in which they reach his office, by mail or otherwise; he shall correspond with, and fully inform the applicants as to their business in his Court, and transmit to them all the papers as directed. He shall cross all interrogatories that may be filed in his Court, and cross examine all witnesses; and he shall dispose of interrogatories when crossed, as directed by the person filing the same. He shall, when applications are made for an unlocated balance of a land certificate, or lost certificates, or for any other purpose whatever, which may require a certificate or any other information from the General Land Office, correspond with and obtain the information required from that office. This section shall be so construed as to secure the objects for which it is framed, to-wit: To relieve persons having business in said Court from employing agents or attorneys to conduct the routine of business incident upon their applications.



Sec. 9. That if the duties imposed upon the Commissioner, by the provisions of this act, shall require the aid of an additional clerk, it shall be his duty to make the same known to the Governor, whose duty it shall be to employ and appoint such clerk, whose salary shall not exceed one thousand dollars.

Sec. 10. That all the postage incident to the correspondence of said Court shall, like that of the General Land Office, be paid by the State, and under the same regulations.

Sec. 11. That on the first day of September, A. D. 1859, the Commissioner of Claims shall deliver to the Comptroller, all the books, papers and archives, in and belonging to the office of Commissioner of Claims, and the same shall become a part of the archives of the Comptroller's office.

Sec. 12. That from and after the first day of September, A. D. 1859, the Comptroller shall do and perform all the duties then appertaining to the office of Commissioner of Claims, under the provisions of an act entitled "an act to ascertain the legal claims for money and lands against the State," passed August 1st, 1856, and under the provisions of this act. And thereafter, the Comptroller shall not act as the agent of any person for the prosecution of a claim of any description, against the Republic or State of Texas; nor as the agent of any person in locating lands, or procuring patents for lands; nor as the agent of any person in or about the registry, approval, or issuance of any land certificate whatever; nor shall he thereafter purchase any interest in any claim for land or money against the Republic of Texas, or State of Texas; and if he shall violate any of the provisions of this section, he shall, on conviction therefor, be fined in a sum not less than two thousand dollars, and shall thereafter be ineligible to hold any office in this State.

Sec. 13. That every county and district surveyor in this State, shall, on the first day of May next, and every three months thereafter, return to the Commissioner of Claims a full and complete list of all certificates for land, of whatever character, then in his office, specifying the same by number and quantity, stating to whom and by whom issued, and whether duplicated or original, and the name of the then owner or claimants; and if duplicate, the number of the original, and by whom and to whom the original issued; and whether said certificates are located or unlocated. And any surveyor who shall fail to make such return, under oath, shall be liable to a

penalty of five hundred dollars. And it shall be the duty of the Commissioner of Claims to give information to the several District Attorneys of every violation of the provisions of this section; and it shall be the duty of the District Attorney to institute suit against the defaulting surveyor for the recovery of such penalty; and the certificate of the Commissioner of Claims that the surveyor has failed to make such return, shall be sufficient evidence of the fact.

Sec. 14. That all claims for land for military services, not presented to the Commissioner of Claims on or before the first day of September, 1858, shall also be forever barred; but when any claim for land, military or otherwise, is presented on or before that day, proof to establish the same may be subsequently taken, until the first day of January, 1859, and not thereafter.

Sec. 15. That the 8th section of the said act to which this is supplementary and amendatory, is hereby repealed; and that this act shall be in force from and after its passage.

Approved January 16th, 1858.

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#### CHAPTER 44.

An Act to authorize the County Court of the county of Wharton to levy a Special Tax.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of the county of Wharton shall have power to levy a special tax upon all persons and property in said county, and upon all taverns, groceries, barrooms, tippling houses, nine and ten-pin-alleys and billiard tables, in said county, which tax shall be assessed and collected by the Assessor and Collector of taxes of the said county, in the same manner as other taxes are assessed and collected by said Assessor and Collector of taxes; and said tax shall be by him paid into the treasury of the county, and shall be appropriated and applied only to the purpose hereinafter mentioned.

Sec. 2. The said tax shall not be levied at a greater annual rate than one-fourth of one per cent. upon persons and

property, and double the tax levied by the State upon taverns, groceries, bar-rooms, tippling houses, nine and ten-pin-alleys, and billiard tables; and the authority of the County Court to levy said special tax shall cease when thereby the sum of fifty thousand dollars has been raised over and above the expenses of assessing and collecting and disbursing the same.

Sec. 3. The special tax levied and collected under the provisions of this act, shall be appropriated to the sole purpose of enabling the county of Wharton to aid in the construction of the Railroad from the town of Columbia, in Brazoria county, to some point in the county of Wharton; and to that end the County Court of the county of Wharton is hereby authorized to subscribe, in the name of said county, for stock in the Houston Tap and Brazoria Railway Company, to the amount of fifty thousand dollars, to be applied exclusively to the extension and construction of the road of said company from the town of Columbia to the terminus in the county of Wharton, or to the construction of such part of said road as the said County Court, by the terms of its subscription, or by agreement with the said Railway company, may determine; and by the terms of its subscription the County Court shall provide that no greater part of the amount subscribed shall be payable annually than can be reasonably realized from said tax, and the County Court may execute the bonds of the county to the said Railway Company, for the amount subscribed specifying the time and manner of payment; and the conditions and terms of the subscriptions and providing for the extinction of any liability upon the part of the county in the event that the terms and conditions upon which the subscription is made be violated by said company.

Sec. 4. When the County Court makes its subscription to the stock of said company, and executes its bonds for the same, it shall be the duty of the County Court to provide annually for the levy and collection of a tax to pay the same; and if it fail to do so, the tax which by this act the County Court is authorized to levy, shall be deemed to be levied, and is hereby levied at the highest rate, and to the extent, which under the provisions of this act, the same could be levied, and the same shall be assessed and collected by the Assessor and Collector as in other cases.

Sec. 5. The County Court of said county shall not make the subscription to the stock of said Railway Company, nor shall said tax be levied for the payment of the same until the

sense of the voters of the said county is taken upon the subject; and it shall be the duty of the County Court to order polls to be opened at the usual places of voting in said county, at a time to be fixed by the County Court, which shall be presided over and conducted in the same manner as at other county elections; and due notice shall be given of the same, and the notices shall state the purpose and object for which the poll is held, and the proposed terms of subscription. And the voters who favor the subscription and the levy of the tax, as contemplated by this act, shall inscribe upon their ballots, "For the Subscription and Tax," and those of a contrary opinion shall inscribe upon their ballots, "Against the Subscription and Tax," and returns of the voting shall be made to the Chief Justice as in other cases. And unless the result of the voting shall be that two-thirds of the voters, who voted, are in favor of the subscription and levy of said tax, the County Court shall not make the subscription or levy the tax; but if the result of the first polls held be adverse to the subscription and tax, after the lapse of six months, polls may be again opened as at the first, to take the sense of the voters, and the County Court shall be governed by the same.

Sec. 6. That this act take effect from and after its passage.

Approved, January 16th, 1858.

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## CHAPTER 45.

An Act to provide for an enumeration of the inhabitants of the State of Texas, for the year 1858.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Assessor and Collector of each county in this State, shall, at the time that he takes the Census of the scholastic population of his county in the year 1858, take an enumeration of the inhabitants of his county as follows, to-wit: First, the number of qualified electors; second, the number of white males over eighteen and under forty-five years of age; third, the number of white males under eighteen years of age; Fourth, the number of white males over

the age of forty-five years; fifth, the number of white females; sixth, the number of children under eighteen and over six years of age; seventh, the number of children under six years of age; eighth, the number of slaves; ninth, the number of free persons of color; tenth, the amount of land in cultivation, and the number of acres planted in corn, wheat, cotton and sugar.

Sec. 2. That it shall be the duty of the Assessors and Collectors to take the census as herein provided for, so as to exhibit the population of the incorporated cities and towns of this State, separate and distinct from the remainder of the county.

Sec. 3. That the Assessors and Collectors shall make out duplicate returns of said enumeration, one of which shall be filed in the County Clerk's office of their respective county, on or before the first day of July, 1858, and the other transmitted by mail or other safe conveyance to the seat Government, directed to the Secretary of State; and it shall be the duty of the Secretary of State to furnish the Treasurer of the State with the number of the scholastic population of each county, as shown by the returns, and immediately upon their receipt.

Sec. 4. That it shall not be necessary for the Assessor and Collector to take any other enumeration of the scholastic population for the year 1858; nor shall they be allowed any additional pay for the entire census than is herein provided for; which shall be at the rate of five cents for each person under one thousand, and four cents for each person under two and over one thousand, and three cents for each person over two thousand.

Sec. 5. That the said Assessors and Collectors shall each take an oath before some one authorized to administer oaths, to promptly and faithfully discharge the duties imposed by this act; and shall also enter into bond in the sum of one thousand dollars, with two or more good and sufficient sureties, to be approved by the Chief Justice, or two of the associate commissioners of their respective counties, payable to the Governor of the State and his successors in office, conditioned for the faithful performance of the duties required of them by this act; which bond shall be filed in the office of the County Clerk of their respective county; and if forfeited, recoverable by suit to be instituted by the District Attorney in the District Court.

Sec. 6. That the Comptroller is hereby required to make out suitable blank forms for taking the enumeration herein provided for, and cause the same to be printed at the lowest rate he can procure it to be done by contract to be made by him; and when such forms are printed, they shall be under the direction of the Comptroller forwarded to the Assessors and Collectors of the several counties of this State for use. And that this act shall take effect and be in force from and after its passage.

Approved, January 19, 1858.

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CHAPTER 46.

An Act to reorganize the third Judicial District and to prescribe the times of holding Courts therein.

Section 1. Be it enacted by the Legislature of the State of Texas, That the counties of Washington, Brazos, Burleson and Milam, shall hereafter constitute the third Judicial District of Texas.

Sec. 2. That the terms of the District Court shall be holden in said District at the following times and places, to-wit: In the county of Washington on the first Mondays after the fourth Mondays in March and September, in each year, and may continue in session four weeks; in the county of Brazos, on the fifth Mondays after the fourth Mondays in March and September, in each year, and may continue in session one week; in the county of Burleson on the sixth Mondays after the fourth Mondays in March and September, in each year, and may continue in session two weeks; in the county of Milam on the eight Mondays after the fourth Mondays in March and September, in each year, and may continue in session two weeks.

Sec. 3. That all writs and process, heretofore or hereafter issued, from the District Courts of any of the counties of the third Judicial District, as defined by this act, shall be considered returnable to the terms of the Courts as fixed by this act, and shall have the same force and effect as if the same had been originally issued so returnable.

Sec. 4. That all laws and parts of laws in conflict herewith, be, and the same are hereby repealed; and that this act have force from its passage.

Approved, January 19th, 1858.

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#### CHAPTER 47.

An Act authorizing the Governor to draw and distribute the arms and accoutrements from the United States Government to which the State of Texas is entitled.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor be, and he is hereby authorized and requested to draw from the United States Government all the arms and accoutrements to which this State is from time to time entitled, for the use of the Militia of the State.

Sec. 2. That the Governor be authorized to store arms and accoutrements at any point he may deem proper, for the convenience of districts, and to save the expenses of transportation.

Sec. 3. That the Governor be authorized to grant arms and accoutrements to each uniformed volunteer military company in the State, as soon as he shall have received a certificate of election of the commissioned officers of the said companies, from the Chief Justice of the county where such company is organized.

Sec. 4. That every company that may apply for arms and accoutrements, shall consist of at least thirty-two non-commissioned officers and privates.

Sec. 5. That the commissioned officers, or four responsible members of any company drawing arms, shall execute a bond to the Governor in double the amount of the value of said arms, for the safe keeping or return of the same; said bond to be approved by the Chief Justice of the county where said company is established.

Sec. 6. That no company shall receive a greater number of arms and accoutrements than double the number of the active members of said company.

Sec. 7. That the Governor be authorized to furnish suitable arms to all military colleges and schools in the State, upon application of the faculty or trustees of the same, and by their executing a bond to him in double the value of said arms, for their safe keeping or return; said bond to be approved by the Chief Justice of the county in which said college or school is established.

Sec. 8. That two thousand dollars be, and are hereby appropriated, from any money in the Treasury not otherwise appropriated, or so much thereof as is necessary for the use of the Governor in defraying the expenses of transportation of the arms and accoutrements drawn from the United States Government.

Sec. 9. That this act take effect from and after its passage.

Approved, January 19th, 1858.

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CHAPTER 48.

An Act to authorize the Clerk of the County Court of Smith county to transcribe into a bound Book, to be procured by him for that purpose, all records hereinafter mentioned.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Clerk of the County Court of Smith county be required to transcribe Book "A" in a well bound Book, to be furnished him for that purpose.

Sec. 2. That when said record is transcribed by him, and approved by the County Court, it shall have the same force and effect that the original record had, both in law and equity, and shall be preserved and considered the record of his office.

Sec. 3. That when said record is made in accordance with the first section of this act, and approved by the County Court, said Clerk shall be paid out of any money in the Treasury of the county of Smith, not otherwise appropriated, fifteen cents per every hundred words so transcribed; and this act to be in force from and after its passage.

Approved, January 20th, 1858.



## CHAPTER 49.

An Act to amend an act creating the county of Comanche, approved 25th January 1856, and an act amending said act, approved 25th August, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the above recited acts be so amended as to define the limits and boundaries of Comanche county by the following limits: beginning at the South West Corner of Erath county, which is eleven miles South, 60 degrees West from the Northwest corner of Bosque county, thence with the Western and Southwestern boundaries of Erath county to the Northwest corner of Erath county, thence South 60 degrees West 25 miles, thence South 30 degrees East, with the original line of Comanche county, to the Northwest corner of Hamilton county, thence North 60 degrees East, 30 miles, with the line of Hamilton county, thence North 30 degrees West, six miles to the beginning.

Sec. 2. That the town of Cora shall remain the county seat of said county, subject to removal, only to the general laws now in force for locations of county seats.

Sec. 3. That all laws conflicting with the provisions of this act are hereby repealed.

Approved, January 20th, 1858.

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CHAPTER 50.

An Act to attach a portion of the county of Trinity to the county of Walker.

Section 1. Be it enacted by the Legislature of the State of Texas, That the portion of Trinity county lying on the Trinity River, and bounded as follows: Beginning at the mouth of a small creek, known in said county by the name of Chalk creek, thence running due North to the Houston county line, thence with said line to its corner on Trinity River, near Calhoun's Ferry, thence down said River to the beginning corner, be and the same is hereby detached from the said

county of Trinity, and attached to the county of Walker, and shall hereafter constitute and form a part of the said county, and that the citizens of the said former portion of Trinity, so attached, shall have all the rights and privileges of citizenship in the county of Walker.

Sec. 2. That this act take effect from and after the first day of March next, (1858.)

Approved, January 20th, 1858.

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CHAPTER 51.

An Act to amend the first section of a Joint Resolution for the relief of the Company of Rangers commanded by Capt. William Becknell, in the year of 1836, approved February 11, 1852.

Section 1. Be it enacted by the Legislature of the State of Texas, That the proviso to the first section of the above recited Resolution be, and the same is hereby repealed. Provided, that no warrant shall be approved unless the name of the grantee appears upon the Muster Roll of the company now on file in the office of the Commissioner of the Court of Claims.

Sec. 2. That this act be in force from and after its passage.

Approved, January 20th, 1858.

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CHAPTER 52.

An Act to fix the time of holding the District Courts in the tenth Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas, That the District Courts shall be held in each of the counties composing the tenth Judicial District twice in

each year, at the following times, to-wit: In the county of Victoria on the third Mondays in February and August, in each year, and may continue in session two weeks; in the county of Jackson, on the second Mondays after the third Mondays in February and August, and may continue in session one week; in the county of Lavaca on the third Mondays after the third Mondays in February and August, and may continue in session two weeks; in the county of DeWitt on the fifth Mondays after the third Mondays in February and August, and may continue in session two weeks; in the county of Gonzales on the seventh Mondays after the third Mondays in February and August, and may continue in session three weeks; in the county of Calhoun on the eleventh Mondays after the third Monday in February, and the thirteenth Monday after the third Monday in August, in each year, and may continue in session two weeks; provided, that in case of epidemic, or other cause deemed sufficient, the District Court for Calhoun county may be adjourned to a special term; but said special term shall in no case conflict with a regular term of the District Court for any county in the tenth Judicial District.

Sec. 2. That the provisions of all laws, or parts of laws, which are in conflict with this act, be, and the same are hereby repealed; and that all writs and process, issued from the District Court of Calhoun county, returnable on the first Monday in February, 1858, be, and they are hereby made returnable to said Court on the eleventh Monday after the third Monday in February of said year, and shall be as valid, and the same proceedings may be had thereon as if returned, and upon their face returnable as required by this act; and this act shall take effect and be in force from and after its passage.

Approved, January 22d, 1858.

CHAPTER 53.

An Act supplementary to an act entitled "An act to change the time of holding the terms of the District Court in the eleventh Judicial District."

Section 1. Be it enacted by the Legislature of the State of Texas, That the District Courts of the eleventh Judicial District shall commence in the county of El Paso on the first Monday in April for the year eighteen hundred and fifty-eight, and may continue in session until the business is disposed of, and that the succeeding terms of said Court shall hereafter be holden at such time as is now prescribed by law.

Sec. 2. That all process which has been, or may hereafter be issued, and made returnable to the District Court of said county of El Paso, shall be, and is hereby made returnable to the said Court at the period of its session as specified in this act, and that all recognizances and bonds entered into by any person or persons in said Court, with reference to the period of its sessions, under the laws heretofore in force, shall be, and the same are hereby made obligatory upon the parties with reference to the term of said Court as fixed by this act.

Sec. 3. That the provisions of all laws and parts of laws, so far as they conflict with the provisions of this act, are hereby repealed.

Sec. 4. That this act be in force from its passage.

Approved, January 22, 1858.

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CHAPTER 54.

An Act to amend the fourth section of an act to provide for the investment of the Special School Fund in the Bonds of Railroad Companies incorporated by the State, passed August 13th, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the fourth section of the above recited act shall hereafter read as follows, to-wit: "Said Board of Com-

missioners shall loan said sum of six thousand dollars, for every mile of road completed, to any such company as shall have completed in a good and substantial manner, and furnished ready for actual use a continuous section of twenty-five miles of the road of said company, and graded an additional consecutive section of twenty-five miles, ready for the cross-ties and other superstructure; and the same amount per mile for every additional section of five miles, which shall be so completed and furnished ready for actual use, there being completely graded and ready for the ties and other superstructure at the time of such loan, not less than five consecutive miles of the road in advance of that on which the loan is proposed to be made; and the same amount per mile for every section of five miles within the limits of this State, which shall be so completed and furnished ready for use, upon any Railroad which shall be a continuation of, or connection with any other Railroad, running from any adjoining State or Territory into the State of Texas; provided said road shall, together with such continuation, or connection, be completed, at least twenty-five miles in length. And further provided, that before said loan is drawn upon any completed section of five miles, an additional consecutive section of five miles shall be graded and ready for the ties and other superstructure.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved, January 22d, 1858.

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## CHAPTER 55.

An Act to create the counties of Archer, Mason, Menard, Zapata, Hardin, Hamilton, Kimble and Buchanan.

Section 1. Be it enacted by the Legislature of the State of Texas, That the several boundaries hereinafter defined, shall constitute the counties therein named.

Sec. 2. The following limits, to wit: Beginning at the South east corner of McCulloch county, thence South to South-West corner of San Saba county, as established at the present ses-

aion of the Legislature; thence East with the South line of San Saba to the North west corner of Llano county, as also established at the same Session; thence with the west line of Llano county to its South west corner; thence west thirty-one miles; thence North to the South line of McCulloch county, thence East to the beginning, shall constitute the county of Mason; the seat of justice of which, shall be on or within two miles of the tract of land on which Fort Mason stands; Provided, The proprietor of said tract of land, shall donate to the county one hundred acres of land for a town site: but otherwise, the county seat shall be located by election as hereinafter provided for the other counties hereby created, and wherever located, said town shall be called Mason.

Sec. 3. That the following limits, to-wit: Beginning on the West line of McCulloch county, ten miles north of its South west corner; thence due West thirty miles; thence due South twenty-six miles; thence due east to the west line of Mason county; thence north with said line to the South line of McCulloch county; thence with the south and west lines of McCulloch county, to the beginning, shall constitute Menard county, named in honor of Col. Michael B. Menard, deceased. The county seat thereof, shall be called Menard.

Sec. 4. That the following limits, to-wit: Beginning on the West line of Gillespie county, where the North line of Kerr county terminates on the same; thence due West with said line, and in the same course, to a point due South of the south west corner of Menard county; thence due North to said corner of Menard county; thence due East with the South line of said county, to the West line of Mason county; thence with the lines of Mason and Gillespie counties, to the beginning, shall constitute the county of Kimble, named in honor of Kimble, who fell with the Alamo. The county seat thereof shall bear the same name.

Sec. 5. That the following limits, to-wit: Beginning at the North east corner of Young county; thence with the North line of said county thirty miles to its North west corner; thence due North thirty miles; thence due East thirty miles to the West line of Clay county; thence due South with said line and the West line of Jack county; thirty miles to the beginning, shall constitute the county of Archer, named in honor of Branch T. Archer, deceased. The county seat thereof, shall be called Archer.

Sec. 6. That the following limits, to-wit: Beginning at

the North west corner of Palo Pinto on the South line of Young county; thence with the South line of Young and due West thirty miles; thence due South thirty miles; thence due East thirty miles to the boundary of Palo Pinto county; thence due North with the West line of Palo Pinto thirty miles to the beginning, shall constitute the county of Buchanan. The county seat thereof, shall be called Breckinridge.

Sec. 7. The following limits, to-wit: Beginning on the Rio Grande river at a point called "El Canon de San Andres," being the lower line of the ancient jurisdiction of the town of Laredo, thence down the Rio Grande with its meanders to a point called "La Noche Buena," being the ancient co-terminus line of jurisdiction of the towns of Guerrero and Mier; thence North 54 degrees and 15 minutes east, four leagues or twelve miles; thence in a line parallel with the present lines of Starr and Webb counties to the North east line of Starr county; thence with said North east line of Starr county till it strikes the lower line of Webb county; thence in a direct line to the beginning, shall constitute the county of Zapata, named in honor of Col. Antonio Zapata, deceased. The town of Carreso, shall be the county seat of said county; the Chief Justice of Webb county shall be authorized to organize said county in accordance with the provisions of this Act.

Sec. 8. The following limits, to-wit: Beginning on Big Sandy creek where the East line of Polk county crosses the same; thence due East to the Neches river; thence down said river with its meanders to the mouth of Pine Alum Bayou; thence up said Bayou and its southern branch to the East line of Liberty county; thence West nine miles; thence on a direct line to a point on the southern line of Polk, twelve miles Westerly of its South east corner; thence with the line of Polk county to the beginning, shall constitute the county of Hardin, named in honor of the Hardins of Liberty. The county seat thereof shall be called Hardin. The Chief Justice of Jefferson county shall organize said county in accordance with the provisions of this Act; and the county seat shall be located as herein provided, with all the rights herein granted to other counties in relation to lands for the county seat.

Sec. 9. The following limits, to-wit: Beginning at the North west corner of Bosque county, on the South line of Erath county; thence with said South line, South 60 degrees West, to the South west corner of Erath county; thence South 30 East, six miles; thence South 60, West to the East line

of Brown county; thence South 30 East to a point South 60 West from the North west corner of Coryell county; thence North 60 East to the North west corner of Coryell county; thence following the North line of Coryell and the West line of Bosque county to the beginning, shall constitute the county of Hamilton, named in honor of the late Gen. James Hamilton. The county seat thereof shall bear the same name.

Sec. 10. That G. W. Todd, or in case of his failure or refusal to act, then the Chief Justice of Gillespie county, shall organize Mason county; G. W. Todd, or in case of his failure or refusal to act, then the Chief Justice of Mason county, shall organize Menard county; the Chief Justice of Mason county shall organize Kimble county; the Chief Justice of Young county shall organize Archer county; the Chief Justice of Palo Pinto county shall organize Buchanan county; the Chief Justice of Coryell county shall organize Hamilton county.

Sec. 11. That until organized under the provisions of this Act, the respective limits comprehended within each of said counties, shall respectively remain under the same jurisdiction, and the people thereof shall have the right to vote as they now are entitled to.

Sec. 12. That the person or officers, as the case may be, herein appointed to organize each of said counties respectively, shall as early as practicable after the passage of this Act, give at least twenty days notice of the time and places of holding elections for county officers in such county, designating presiding officers and observing generally the provisions of the General Laws regulating elections. The several presiding officers shall administer the legal oath to the managers and clerks, and shall be sworn himself by one of the managers; the returns of such election shall be made to the person or officer ordering the same, and said person or officer, as the case may be, shall issue certificates to the various officers elected, administer the oath of office to them, which may also be done by any other officer authorized to administer oaths, and make returns to the Secretary of State, of the result of said election, giving certificates of the name of all the officers elected.

Sec. 13. That so soon as qualified and organized, the county Court of each of said counties shall procure from the General Land Office, or from a competent Surveyor under oath, an outline, or skeleton, sketch of said county, with the exact centre marked thereon, and a circle drawn around said centre, exhib-



iting the distance of five miles in every direction, and all surveyors of land within said circle, giving the number of the survey and the name of the grantee when known; and thereupon, said county Court shall select not exceeding three points within said circle of five miles as candidates for county seat, and order an election for the same, after giving at least twenty days notice thereof as in other elections. If donations be proposed by individual proprietors in land, money or buildings, to secure the location, the Court shall make the same public previous to the election, and if possible, in connection with the order of the election. The returns of such elections shall be made, as in other elections, to the county Court, and shall be opened on the tenth day after the election. The place receiving a majority of all the votes cast, shall be the county seat. If there be no choice a second election shall be ordered, between the two highest points under the same provisions.

Sec. 14. That the several county Courts herein referred to shall have power to procure lands for a county seat, not to exceed three hundred and twenty acres in quantity, by purchase, donation, or otherwise; or if the point selected shall be public domain, then the State hereby relinquishes the same, not to exceed three hundred and twenty acres, to such county; and upon presentation of the field notes of the same duly certified by a lawful Surveyor, as correct, to the General Land Office, a patent shall be issued to the county for the same. And when land may be obtained for a county seat in either of the modes above named, if the same be more than may be necessary for public purposes, the county Court shall lay the same off into town lots, blocks and streets, and after setting apart suitable public grounds, grounds for schoolhouses, churches and cemeteries, proceed to sell the remainder at such times and on such terms, as said Court may deem best, for the interest of the county; and the proceeds of such sales shall be appropriated by the Court to the erection of county buildings; if said lots shall be sold in whole or in part on credit, the county shall retain a lien, in the nature of the vendors lien, in other cases to secure the payment of the purchase money, and the reversal of the land to the county, in case of non-payment.

Sec. 15. That unless now otherwise provided, or until otherwise provided by law, each of the counties herein created shall severally be attached to the nearest county in which the District Court is held, or to the county from which the largest part of it may be taken for all judicial purposes in question,

whether civil or criminal, over which that Court has jurisdiction; and that this Act take effect from and after its passage.

Approved January 22nd, 1858.

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CHAPTER 56.

**An Act supplementary to an Act to creat the counties of Archer, Mason, Menard, Zapata, Hardin, Hamilton, Kimble and Buchanan.**

Section 1. Be it enacted by the Legislature of the State of Texas, That Section nine of the above recited Act, shall read as follows: Section 9. The following limits, to-wit: Beginning on the South line of Bosque, and the North line of Coryell, at a point two and a half miles North-Easterly of the intermediate South-West corner of Bosque county; thence in a direct line parallel with and two and a half miles from the West line of Bosque to the South line of Erath county; thence with said South line of Erath, South sixty degrees West, to the South-West corner of Erath; thence South 30° East, six miles; thence South 60° West to the East line of Brown county; thence South 30° East to a point South 60° West from the North-West corner of Coryell county; thence North 60° East to the North-West corner of Coryell county; thence following the North line of Coryell to the beginning, shall constitute the county of Hamilton, (named in honor of General James Hamilton, deceased;) and the county seat thereof shall bear the same name.

Sec. 2. That this Act shall take effect from its passage.

Approved January 22nd, 1858.

## CHAPTER 57.

An Act to authorize the Clerk of the District Court of Nacogdoches county to transcribe certain Records therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Clerk of the District Court of Nacogdoches county be and he is hereby authorized and required to transcribe into a well bound book or books, to be furnished by the County Court of Nacogdoches county for that purpose, the minutes of the District Court of said county, contained in minute books, A. B. C. D. E. F. and G., and when the same shall have been examined and approved by the County Court of said county, they shall have all the force and effect in law and equity that the originals could or should have; and all certified copies taken from the same shall be as valid and have the same force and effect as if taken from the originals.

Sec. 2. That the said Clerk shall receive such compensation for his services, or shall be allowed by said County Court, paid by draft on County Treasurer, not to exceed fifteen cents for each hundred words so transcribed.

Sec. 3. That this Act take effect and be in force from and after its passage.

Approved January 23, 1858.

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CHAPTER 58.

An Act supplementary and amendatory of an Act making provisions for running and marking the boundary line between the State of Texas and the Territories of the United States of America.

Section 1. Be it enacted by the Legislature of the State of Texas, That an Act entitled an Act making provisions for running and marking the boundary line between the State of Texas and the Territories of the United States of America, approved February 2nd, 1856, be and the same is hereby renewed and continued in force.

Sec. 2. That the sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to carry into effect the provisions of said recited Act; and that this Act take effect and be in force from and after its passage.

Approved January 23, 1858.

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CHAPTER 59.

An Act to readjust the boundaries between San Patricio and Nueces Counties.

Section 1. Be it enacted by the Legislature of the State of Texas, That so much of an Act entitled "An Act to adjust the boundaries of the counties of Goliad, San Patricio and Nueces," approved December 8th, 1857, as relates to the boundaries between Nueces and San Patricio counties, be, and the same is hereby repealed; and that the northern boundary line of Nueces county shall be the Nueces river, and the southern boundary line of San Patricio county shall be the Nueces river and Corpus Christi bay, the same that they were prior to the passage of said Act.

Sec. 2. That this Act take effect and be in force from and after its passage.

Vetoed by the Governor, and passed by a Constitutional majority, January 23, 1858.

## CHAPTER 60.

**An Act supplementary to and amendatory of An Act to give each corporate county of this State its own County Surveyor, Map and Records, and defining the duties of Surveyors.**

Section 1. Be it enacted by the Legislature of the State of Texas, That at the next general election for county officers, the Chief Justice of every organized county in the State, shall order an election for a County Surveyor of said county, by the qualified electors thereof, giving the same notice required for the election of county officers, and requiring the returns to be made at the same time, and in the same manner; Provided, That this provision shall not affect those counties, now having Surveyors whose term of office may expire at a different period; and that each county to be organized after the passage of this Act, shall elect a County Surveyor at the time of electing other county officers. All County and District Surveyors shall hold their offices for two years, and until their successors may be elected and qualified; and in case a vacancy in the office from any cause, the County Court may appoint some person to discharge the duties thereof until twenty days after the then next succeeding August election, at which election a Surveyor shall be elected to serve for two years as in other cases.

Sec. 2. That when any county shall have elected a Surveyor as provided for in this Act, the person so elected, shall be qualified in the same manner, and give bond in the same form and amount as now required by law of District Surveyors; and he shall do and perform all the duties now required of them, be governed by the same laws, and liable to the same penalties.

Sec. 3. That when any organized county shall have so elected a Surveyor, and he has given bond and been qualified as above provided, said county shall be a separate Land District.

Sec. 4. That before any Surveyor elected under the provisions of this Act, in a county not previously a separate Land District, shall make any surveys therein, he shall procure a certified map of the surveys in said county, and a certified copy of the files and locations of lands therein from the Surveyor's Office of the Land Districts to which said county belonged, and file the same in his office for the inspection of any one interested in examining the same.

Sec. 5. That said Surveyor shall within twelve months from the date of his qualification, obtain from the office of the Districts from which his county is taken, a transcript of the field notes of surveys in his county, certified to as required by the Act to which this is supplementary, and for obtaining which he shall be entitled to ten cents per hundred words, to be paid by the County Court of his county; said transcript of records so certified, shall answer all the purposes, and have the same force and effect in law that the originals could have.

Sec. 6. That it shall be the duty of each District Surveyor of this State, during the month of August, 1858, and thereafter within twenty days after each election for District Surveyor, to appoint as his deputy a special County Surveyor for each unorganized county within his District, who shall hold his office during the term of his principal unless sooner superceded by the appointment of another as his successor. The District Surveyor shall immediately notify the Commissioner of the General Land Office of every such appointment; each special County Surveyor, so appointed, shall have all the powers, perform all the duties, and be subject to all the penalties appertaining to County Surveyors, and shall keep in addition to the returns to be made to his principal, a record and map of all the transactions in his office, to become a part of the County Surveyor's records of such county, whenever it may be organized. All such special County Surveyors shall reside and keep their offices in their respective counties, if there be settlements in the same, but if there be no settlements in the county, then at the nearest town to such county. Whenever any county may elect a County Surveyor under the provisions of this Act, the District Surveyor within whose District such county may have been, or may be at the time, and his deputy shall cease to exercise any official acts within the same; Provided, That when any such unorganized county may have been taken from two or more Land Districts, a special Surveyor shall be appointed as herein provided by each District Surveyor, for so much of such county as may have been taken from his District.

Sec. 7. That any person interested for himself, or as agent or friend of another, shall at all times have the right to examine the books, papers, plates, maps, or other archives belonging to the office of any District, County, or special Surveyor, on the payment of the fee fixed by law; and whenever an applicant calls upon either a District, County, or special Surveyor, to

make an entry for location on his books, and shall be informed that the land indicated by the applicant has already been located, or located and surveyed, the applicant may demand of the Surveyor a certificate in writing, setting forth the time at which the entry, location and survey, or either, was made, at whose instance, upon what certificate or warrant and all the facts in the case, which certificate shall be held good evidence in law and equity against such Surveyor, in any suit brought against him, to test the truth of the certificate, and recover damages by the applicant; and any Surveyor refusing any examination of his books and archives, or to give the certificates as herein provided, shall be subject to a fine of five hundred dollars for each offence, to be recovered before the District Court, by the party aggrieved.

Sec. 8. That it shall be the duty of every District, County and special County Surveyor, of this State, once in every three months to plat upon the map of his District or county, all surveys made to that date, within the three preceding months, and transmit sketches and field notes of the same to the Commissioner of the General Land Office, together with a list of all land certificates or warrants on file in his Office, giving the number, date, quantity in acres of each, and stating by whom and to whom the same purports to have been issued; and any Surveyor failing or refusing to comply with the provisions of this Section, shall be subject to a fine of five hundred dollars for each offense, to be recovered by the State before the District Court, on complaint of any party aggrieved, or of the District Attorney of the District whose duty it shall be to prosecute all such suits. A certificate from a Post Master certifying that a letter or package containing the returns herein provided for, was mailed in his office, addressed to the Commissioner of the General Land Office, shall be evidence of the fact in any suit against a Surveyor under this Section.

Sec. 9. That all laws as far as they conflict with this Act, are hereby repealed; and that this Act take effect from its passage.

Approved January 26, 1858.

CHAPTER 61.

An Act to provide for the Incorporation of Towns and Cities.

Section 1. Be it enacted by the Legislature of the State of Texas, That where a village may contain three hundred free white inhabitants, it may be incorporated as a town, in the manner prescribed by this act.

Sec. 2. If the inhabitants of such village desire to be so incorporated, at least twenty residents thereof, who would be qualified voters under the provisions of this act, shall file an application for that purpose in the office of the Chief Justice of the County Court of the county in which the village is situated, stating the boundaries of the proposed town, and the name by which it is to be known, if it be incorporated.

Sec. 3. If satisfactory proof is made that the village contains the requisite number of inhabitants, it shall be the duty of the County Court to make an order for the holding an election on a day therein stated, and at a place designated within the village, for the purpose of submitting the question to a vote of the people.

Sec. 4. The Chief Justice shall appoint an officer to preside at the election, who shall select two judges and two clerks to assist in holding it; and after a previous notice of ten days, by posting advertisements at three public places in the village, the election shall be held in the manner prescribed for holding elections in justices' precincts.

Sec. 5. Every free male person who has attained the age of twenty-one years, and who has resided within the limits of the proposed town for the six months next preceding, and is a qualified elector under the laws of the State, shall be entitled to vote at the election.

Sec. 6. On each ticket the voter must write or cause to be written "corporation" or "no corporation."

Sec. 7. If a majority of the votes are cast in favor of incorporation, the officers holding the election, shall make return thereof to the Chief Justice of the county within ten days after the same was held.

Sec. 8. The Chief Justice shall, within twenty days after the receipt of the returns, make an entry upon the records of the County Court, that the inhabitants of the town are incorporated within the boundaries thereof, which shall be also designated in the entry, and a certified copy of such entry shall



thereupon be recorded in the proper record of deeds of such county.

Sec. 9. When the entry mentioned in the preceding section has been made, the town shall be invested with all the rights incident to such corporations under this act, and shall have power to sue and be sued, plead and be impleaded; and to hold and dispose of real and personal property. Provided, such real property is situated within the limits of the corporation.

Sec. 10. The Chief Justice shall immediately order an election for a Mayor, a Constable and five Aldermen.

Sec. 11. No person shall be eligible to any of said offices, nor shall any person be qualified to vote at any election to fill any of them, unless he possess the requisites prescribed by the fifth section of this act.

Sec. 12. The Chief Justice shall, immediately after the returns have been made, commission the candidate who received the highest number of votes for the office of Mayor, and shall deliver certificates of election to the other officers elected.

Sec. 13. The Mayor and Constable elected shall hold their respective offices until the first regular election for county or State officers, and until their successors are qualified. The Aldermen shall hold until a sufficient number of the members elected to succeed them shall qualify, to form a quorum for the transaction of business.

Sec. 14. The Chief Justices shall order an election for such officers at every general election, which shall be held in each year after the town has been incorporated, and the officers elected shall be commissioned and receive certificates of election as prescribed by section twelve, and shall continue to discharge their duties for one year, or until another general election for county or State officers, and their successors are qualified as prescribed by the preceding section.

Sec. 15. The Chief Justice of the county shall determine all cases of contested elections held under this act; and the proceedings, in the event of such a contest, shall be such as are prescribed in cases of contests for county offices, by the act regulating elections.

#### THE BOARD OF ALDERMEN.

Sec. 16. The Mayor shall be the President of the Board of Aldermen, and shall, with three of the Aldermen, constitute

a quorum for the transaction of business; and the quorum shall have power to enact such by-laws and ordinances not inconsistent with the laws and constitution of the State, as shall be deemed proper for the government of the town.

POWERS AND DUTIES OF THE BOARD OF ALDERMEN.

Sec. 17. The Board of Aldermen shall have and exercise control over the streets and other public places in the town; they shall, as far as practicable, prevent any nuisances within the limits of the corporation, and cause such as exist to be removed, at the expense of the persons by whom they were occasioned, or upon whose property they may be found; they may establish and regulate markets, and may do whatever else may be necessary to give effect to the provisions of this act.

Sec. 18. The Board of Aldermen shall have power to levy taxes on persons and property, real and personal, within the town, subject to taxation by the laws of the State; but the tax on persons or property, shall not in any one year, exceed the rate of fifty cents on the one hundred dollars.

Sec. 19. The Board of Aldermen shall have power to prescribe the fine to be imposed by the Mayor for a violation of any by-law or ordinance, which shall in no case exceed one hundred dollars; but no fine shall be imposed except upon the verdict of a jury, should the defendant demand a trial by jury.

Sec. 20. When a vacancy shall occur in any of the offices created by this act, or by the Board of Aldermen under its provisions, the acting Aldermen shall fill such vacancy for the unexpired term.

Sec. 21. The Board of Aldermen shall have power to appoint such officers, other than those mentioned in this act, as shall be deemed necessary to carry out the provisions of the same, to prescribe the duties, and to fix their compensation; and shall also have power to dismiss them at any time, and appoint others in their stead.

Sec. 22. The Board must prescribe the bonds and security which the Constable, and such other officers as may be appointed, shall give; which shall be executed and approved by the Mayor, before the Constable or other officer shall enter upon the discharge of his duties. Said bond shall be made payable to the Corporation.

Sec. 23. If the bond required by the preceding section, is not given within five days after the Constable is elected, or

the officer appointed, the Board shall have the power to appoint another Constable or officer in the place of the one so elected or appointed.

**DUTIES OF THE MAYOR.**

Sec. 24. The Mayor of a town incorporated under the provisions of this act, shall have the same jurisdiction and power in cases both civil and criminal, that are conferred on Justices of the Peace, and his judgments and final orders therein may be revised in the manner prescribed for revising such judgments and orders, when made in such cases by a Justice of the Peace.

Sec. 25. It shall be the duty of the Mayor to enforce and carry into effect such by-laws, and ordinances not inconsistent with the laws of the land, as the Board of Aldermen may, from time to time enact for the better regulation of the police of the corporation.

Sec. 26. Where the penalty for the violation of a bye-law or ordinance has not been fixed by the Board of Aldermen, the Mayor shall have power to enforce fines not to exceed twenty dollars.

Sec. 27. In any case or proceeding before the Mayor of a town, any party who will deposit three dollars for paying the jury, or will make an affidavit to the effect that he is too poor to make such deposit, shall have the right to have any question of fact found by a jury.

Sec. 28. It shall be the duty of the Mayor to cause all fines to be enforced by imprisonment not exceeding fifteen days, and by execution against the property of the persons on whom such fines shall be imposed.

Sec. 29. The Mayor shall be entitled to such fees as may be allowed to Justices of the Peace for similar services, and to such additional compensation as may be allowed by the by-laws and ordinances of the corporation.

Sec. 30. The Constable shall have the same powers within the town, that other Constables shall have within their precincts, and shall be entitled to the same fees. He shall discharge all other duties that may be prescribed by the by-laws and ordinances, not inconsistent with the laws of the State, and shall receive therefor such fees as may be fixed by the Board.

Sec. 31. The corporation tax shall be assessed and collected by the Constable, and if the same be not voluntarily

paid, he shall have power to make the collection, by levying upon, advertising, and selling property, real and personal, in the manner prescribed by the laws regulating executions.—Provided, that in all cases the property shall be sold within the limits of the corporation, and for cash without appraisement.

Sec. 32. Real estate sold for taxes due the corporation may, at any time, within two years from the date of the sale, be redeemed by the payment of the amount of the taxes and costs, for which the property was sold, with interest at the rate of twenty-five per cent. per annum, and all the taxes which have since accrued.

Sec. 33. Where the purchaser does not reside within the limits of the town, the estate may be redeemed by making the payment into the treasury of the corporation, for the benefit of the purchaser.

Sec. 34. No ordinance or by-law shall be enforced until it has been published at least ten days in three public places in the town or in a newspaper, if one be published within the corporation.

Sec. 35. When any property shall be liable to assessment for corporation taxes, and the owner is unknown, such property shall be valued by the Constable, and assessed by its description, stating that the owner of the property is unknown; unless the taxes are paid the property shall be sold for the payment thereof, as nearly as may be, in the manner in which such property, when duly rendered, is required to be sold, and the sale shall be equally valid.

#### INCORPORATION OF CITIES.

Sec. 36. When a village or town may contain fifteen hundred inhabitants, it may be incorporated as a city, in the manner prescribed in this act, for the incorporation of towns.

Sec. 37. The administration of all the fiscal, prudential, and municipal affairs of every city incorporated under the provisions of this act, shall be vested in one Mayor and nine Aldermen, to be denominated the City Council.

Sec. 38. The Mayor and Aldermen of a city, and a city Marshal, shall be elected by persons possessing the same qualifications which are required by the fifth section of this act, for electors of towns.

Sec. 39. All provisions of this act shall apply as well to cities incorporated under it as to towns, and the powers,

duties and terms of the Mayors and Aldermen of cities, shall be such as are prescribed for these officers of towns.

Sec. 40. In addition to such powers as are by this act vested in a Board of Aldermen of a town, a city council shall have power on the written application of the owners of three-fourths of every square, to prohibit the erection of any except brick, stone, or concrete buildings within the square, and to borrow money on the credit of the city, but not without a direct vote of the people in favor of said loan.

Sec. 41. In addition to the rights, powers and duties prescribed in this act, to town Constables, the city Marshal shall have such rights and powers, and discharge such duties as shall be prescribed by the by-laws and ordinances of the City Council, not inconsistent with the laws of this State.

Sec. 42. The inhabitants of every incorporated town or city, may re-organise under this act, and avail themselves of its provisions, by complying with the regulations herein prescribed for the incorporation of towns and cities, which have not been previously incorporated. Provided, that such re-organization shall be adjudged to be a renunciation of all the powers and privileges of the act of incorporation under which such town or city was previously organized.

Sec. 43. That the act of incorporation under the provisions of this act, shall not be so construed as in any manner to affect the titles to land heretofore granted by the Government to the inhabitants of any town, but the lands so granted shall continue to be held and disposed of by the corporate authorities so created, for the use and benefit of the inhabitants of said town, for the purposes for which they were originally granted.

Approved, January 27, 1858.

CHAPTER 62.

An Act to amend the first section of an act entitled an act to change the time of holding the County Courts of Upshur county, approved, November 13th 1857.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above recited act shall hereafter read as follows, to wit: The County Court of Upshur county, sitting as a Commissioners Court, shall hereafter meet in regular session on the second Mondays of the months of February and August in each year, for the transaction of such business as may come before them as said Commissioners Court.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved, January 27th, 1858.

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CHAPTER 63.

An Act to permit Free persons of African descent, to select their own Master and become Slaves.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be lawful for any free person of African descent, now in this State, or who may hereafter be within its limits, being over the age of fourteen years, to choose his or her Master, and become a slave, upon the terms and conditions hereinafter named: Provided, said slave shall not be subject to forced sales for any debt incurred by, or judgment rendered against the chosen Master prior to the period of enslavement.

Sec. 2. Whenever any free person of African descent, as aforesaid, desires to choose, a master, such person may file a petition in the District Court of the county in which he or she resides, setting forth his or her desire to choose an owner, and stating the name of such person as he or she desires to select as an owner; which petition shall be signed by the petitioner, in the presence of at least two subscribing witnesses.

And thereupon the Clerk of the Court in which such petition shall have been filed, shall give notice thereof, by posting such notice at the court house door for four weeks; and said Clerk shall also issue a summons to the petitioner, and the person designated in the petition as the proposed master, citing them to appear before said court at the term thereof next succeeding the expiration of the publication of said notice, and shall also issue a subpoena for the subscribing witnesses to the petition, which summons and subpoena shall be executed in the same manner as like process in other cases.

Sec. 3. Upon the appearance in open court of both the petitioner and the person designated in the petition as the desired master, the court shall proceed to examine each party separately, as well as the subscribing witnesses to the petition, and such other person as the court may see fit; and at such examination, the District attorney shall be present, and see that a full examination is had, and he shall represent the petitioner in such examination. And if upon such examination, the court shall be satisfied that there is no fraud nor collusion between the parties, that the proposed master is a person of good repute, and that there is no good reason to the contrary, the said court shall have power, by decree entered in the records of the court, to grant the prayer of the petitioner; and from the entry of such decree, the property in said person of African descent, as a slave, shall vest in the person so chosen as master, and his rights and liabilities, and the condition of the petitioner shall in all respects be the same as though such petitioner had been born a slave to the master so chosen.

Sec. 4. When any such petitioner as hereinbefore mentioned, shall be a female having children under fourteen years of age, and shall in her petition ask that such children shall become the slaves of the same person chosen by her as her master, if the court shall, after examination as in this act before provided, grant the prayer of the petitioner as to herself, it shall also decree such children in like manner, to be the slaves of the same owner. Provided, that where the mother of such children of African descent, under the age of fourteen years, shall be deceased, in that case the next friend of such children shall have authority in their behalf, to proceed in the same manner to the selection of a master for them, as the mother might do under the provisions of this act.

Sec. 5. The District Attorney shall be entitled to a fee of ten dollars for each examination attended by him under the

provisions of this act, which shall be taxed as costs in the proceedings, and all the costs of the proceedings shall be paid by the master to whom the slave may be decreed, and after a petition shall have been filed under the provisions of this act, and during the pendency of the proceedings under the same, no proceedings shall be had against the petitioner under any law prohibiting free persons of color from remaining in or coming to this State.

Approved, January 27, 1858.

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CHAPTER 64.

An Act to legalize the acts of William T. Harris, Surveyor of Wood County.

Section 1. Be it enacted by the Legislature of the State of Texas, That all surveys of land made by Wm. T. Harris, as county Surveyor of Wood county, on valid headright certificates for Pre-emption claimants, or any other legal and genuine evidence of Land Scrip or Warrants, and in conformity with existing laws, be, and the same are hereby declared as legal and valid, as though he had fully complied with Article 1888 of Hartley's Digest.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved, January 27, 1858.

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CHAPTER 65.

An Act for the better protection of the Frontier.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Governor is hereby authorized and required to call into service one hundred mounted volunteers, in addition to the force now in service, for the term of six months, unless sooner discharged, and all said force may be



continued in service for any length of time, if the safety of the frontier require it.

Sec. 2. That the Governor may appoint a person experienced in such service, with the rank of Senior Captain, to command all the forces of the State so enrolled, and superintend the protection of the frontier.

Sec. 3. That the Governor shall direct the organization and equipment of all the forces on the frontier, and make such regulations as are necessary and most expedient for the protection of the frontier, and the officers and men shall be allowed such pay and emoluments as mounted men are allowed in like service of the United States; and he shall also be authorized to appoint a person to act as Quarter-master, and Pay-master to facilitate operations, who shall give sufficient bonds and security to be approved by the Governor.

Sec. 4. That the Volunteers raised in Bosque county, since first of January 1858, may be accepted as a portion of the force to be raised by this act, and allowed pay from the date at which they entered service.

Sec. 5. That whenever an efficient force shall be placed on the frontier by the Government of the United States, all the men raised by the State shall be discharged.

Sec. 6. That in the event of a continuation of hostilities by the Indians, and the failure of the Federal Government to protect the frontier, the Governor is authorized to call out any number of men, and to carry on active and offensive operations against all Indians at war.

Sec. 7. That the sum of seventy thousand dollars is hereby appropriated out of any money in the Treasury to carry out the provisions of this act, and that this act take effect from and after its passage.

Approved January 27, 1858.

CHAPTER 66.

An Act making an appropriation of money for the payment of certain claims therein named.

Section 1. Be it enacted by the Legislature of the State of Texas: That the sum of three hundred and fifty dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated for the payment of the following accounts, to wit: the account of Marshall & Oldham, ninety-two dollars and fifty cents; the account of A. J. Quintero, assigned to Swenson and Swisher, one hundred and fifty dollars; the account of J. Pat Henry, fifty dollars; the account of J. A. Quintero, fifty dollars; and that the State Treasurer be, and he is hereby required to pay the same out of any monies not otherwise appropriated upon the respective claimants receipting for the same.

Sec. 2. That this act be in force and take effect from and after its passage.

Approved January 28, 1858.

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CHAPTER 67.

An Act for the relief of certain purchasers of Austin city and out Lots.

Section 1. Be it enacted by the Legislature of the State of Texas: That the purchasers of Austin city and out lots, at the October sale, of A. D. one thousand eight hundred and fifty-five, and who made one or more payments on the same, shall have until the first day of October, A. D., one thousand eight hundred and fifty-nine to pay the remaining instalment or instalments thereon, Provided, that the purchasers shall not be entitled to the benefit of this act, unless they renew their notes with good personal security, as heretofore provided by the law, authorizing the sale of said lots.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved January 29, 1858.

## CHAPTER 68.

## An Act to provide for Transcribing County Records.

Section 1. Be it enacted by the Legislature of the State of Texas: That in all cases where the records of any county in this State have become, or may become, defaced, worn, or in any condition endangering their preservation in a safe and legible form, it shall be lawful for the County Court of such county to procure good and well bound books or book, as the case may be, and require the County Clerk to transcribe or have transcribed by a sworn deputy, the records contained in such book or books, in a plain legible hand, and when so transcribed they shall be carefully compared with the original record by the County Court, and the clerk or person transcribing the same. When found to be truly and correctly transcribed, the Chief Justice, Clerk, and at least two of the County Commissioners, shall certify under their official oath of office at the conclusion of the record, with the impress of the county seal affixed on the same page, to the correctness of the same, reciting the number of pages contained in said book from one to the highest number; after which said transcribed records shall have all the force and effect in law and equity as the original records. Provided, that the original books shall continue to be kept and preserved in the office of such County Clerk.

Sec. 2. That the County Clerk or person making such transcript or transcripts shall be entitled to such compensation for said services as may be allowed him by the County Court, in no case to exceed the sum of fifteen cents for each hundred words. And that this act take effect from and after its passage.

Approved January 20, 1858.

CHAPTER 69.

An Act defining the time of Holding Courts in the Fourth Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas: That the District Courts for the Counties composing the fourth Judicial District shall hereafter be begun and holden as follows, to wit: In the county of Comal on the first Mondays of March and September, and may continue in session two weeks; in the county of Kerr on the second Mondays after the first Mondays of March and September, and may continue in session one week; in the county of Gillespie on the third Mondays after the first Mondays of March and September, and may continue in session two weeks; in the county of Bexar on the sixth Mondays after the first Mondays in March and September, and may continue in session until the business is disposed of.

Sec. 2. That all writs of process that have been or may hereafter be issued from any of the District Courts of the counties mentioned in the first section of this act, and made returnable to any of the terms of said Courts, under the laws now in force, and all bonds and recognizances that have been or may hereafter be made so returnable, shall be returned to the terms established by this act, and shall have the same force and effect as if the same had been originally so returnable.

Sec. 3. That all laws and parts of laws conflicting with the provisions of this act, be, and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved January 29, 1858.

## CHAPTER 70.

An Act supplemental to an act to create the Nineteenth Judicial District of the State of Texas, to regulate the holding of terms of the District Courts in said District, and providing for the election of District Judge and District Attorney in said District, and for the trial of certain causes in said District, approved December 19, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas: That the county of Hamilton be, and the same is hereby made a part of the Nineteenth Judicial District of Texas, and that the Judge of said nineteenth Judicial District shall hold terms of the District Court in said county on the eighth Mondays after the third Mondays in March and September in each and every year, and may continue in session one week.

Sec. 2. That this act have force from and after its passage.

Approved January 28, 1858.

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## CHAPTER 71.

An Act to prescribe the times of holding the District Courts of the Fifth Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas, That the District Courts of the fifth Judicial District shall be holden at the times hereinafter specified to wit: in the county of Newton on the fourth Mondays in February and August in each year, and may continue in session one week; in the county of Jasper on the first Mondays after the fourth Mondays in February and August in each year, and may continue in session two weeks; in the county of Sabine on the third Mondays after the fourth Mondays in February and August in each year, and may continue in session one week; in the county of Shelby on the fourth Mondays after the fourth Mondays in February and August in each year,

and may continue in session two weeks; in the county of San Augustine on the sixth Mondays after the fourth Mondays in February and August in each year, and may continue in session two weeks; in the county of Angelina on the eight Mondays after the fourth Mondays in February and August in each year, and may continue in session two weeks; and in the county of Nacogdoches on the first Mondays in January and July in each year, and may continue in session until the business shall be disposed of.

Sec. 2. That all laws conflicting with the provisions of this act are hereby repealed, and that this act so far as it prescribes the times of holding the District Court of Nacogdoches county, shall take effect from and after the first day of March next; and in all other respects it shall take effect from and after the fourth day of July next.

Approved January 30, 1858.

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## CHAPTER 72.

An Act defining the time of holding the District Courts in the twelfth Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas: That from and after the passage of this act, the District Courts for the counties composing the Twelfth Judicial District shall be begun and holden as follows: In the county of Cameron on the second Mondays of April and November in every year, and may continue in session four weeks; in the county of Hidalgo on the fifth Mondays after the second Mondays of April and November in every year, and may continue in session one week; in the county of Starr on the sixth Mondays after the second Mondays in April and November in every year, and may continue in session two weeks; in the county of Webb on the eighth Mondays after the second Mondays in April and November in every year, and may continue in session two weeks; in the county of Zapata on the tenth Mondays after the second Mondays of April and November in each year, and may continue in session one week.

Sec. 2. That all writs and process that have been or may hereafter be issued from any of the District Courts of the Twelfth Judicial District, shall be considered as returnable to the terms as established by this act, and shall have the same force and effect as if the same had originally been so returnable.

Sec. 3. That all laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved January 30, 1858.

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#### CHAPTER 73.

An Act concerning writs of Certiorari from the Justice's Courts.

Section 1. Be it enacted by the Legislature of the State of Texas, That when a stay of execution upon any judgment rendered in the Justice's Court is taken, the same shall not prevent the taking of a writ of Certiorari; but the defendant shall have the right to take out his writ of Certiorari to the Justice's Court at any time within ninety days from the decision of the cause by the Justice of the Peace.

Sec. 2. This Act shall take effect and be in force from and after its passage.

Approved January 30, 1858.

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#### CHAPTER 74.

An Act to provide for the boring of Artesian Wells between the Nueces and Rio Grande Rivers.

Section 1. Be it enacted by the Legislature of the State of Texas: That the State Engineer, or the Governor, if there

be none, be required to contract for the boring of Artesian Wells, between the Nueces and Rio Grande rivers, in number not to exceed five Wells upon each of the following routes, to wit: from Corpus Christi to Brownsville; from Corpus Christi to Rio Grande City and Roma; from San Antonio to Laredo; and from San Antonio to El Paso; also, three wells on the route from Edinburg to the junction of the Edinburg and Brownsville road to San Patricio.

Sec. 2. The wells to be sunk under the provisions of this act, must be completed as soon as practicable within five years. Each well shall be sunk to such depth as will afford a constant supply of good water, running from the surface at the rate of not less than fifty gallons per minute; and no well shall be within twenty miles of any other Well, or of any permanent sweet water on said routes.

Sec. 3. If the land upon which any Well contemplated in this act to be sunk, be private property, the contractor or contractors under this act, shall procure from the owner or owners thereof, a release for the use of the people of the State, and to be forever open and common, of fifty acres of land, of which the well shall be the centre; which release shall be recorded in the proper county, and filed in the General Land Office. And if the spot upon which said Well is to be sunk be public land, fifty acres thereof, the Well being the centre, shall remain forever open and common to the people of the State, and not subject to location, and the water of all the Wells shall be forever free for the use of all persons.

Sec. 4. The construction of these Wells shall be paid for in land, not exceeding eight sections of land for each Well sunk to the depth of from two to four hundred feet; and for all Wells beyond that depth, in addition to the eight sections, at the rate of one section per hundred feet; Provided, that said contractor or contractors shall not receive any lands for boring said Wells, beyond the depth which furnishes the amount of water herein specified.

Sec. 5. Before making any contract for the boring of any Wells, as provided for in this act, the State Engineer, or the Governor, if there be none, shall cause advertisements for three months to be made in one or more papers published in the cities of Austin, San Antonio, Corpus Christi, Brownsville and Galveston, for proposals to perform the work on each of said routes, the proposals to designate the points on said routes at or near which the Wells are to be bored; and at the day



named in the advertisements he shall open the proposals, and shall award the contract to the lowest bidder or bidders who shall propose to perform the work in the best manner, the shortest time and for the least quantity of land.

Sec. 6. When the State Engineer, or the Governor, if there be none, awards the contract for the sinking of any of the Wells contemplated by this act, he shall cause the contractor or contractors to enter into a bond payable to the State of Texas, with two good and sufficient sureties, in the sum of five thousand dollars, for the faithful performance of the contract according to its terms, which bond shall specify the manner in which the work shall be done, the time within which it shall be finished, and the amount of compensation to be received.

Sec. 7. The contractor or contractors for the sinking of these Wells, shall be required to return to the Land Office of the State, a map and representation of the various formations through which each well is bored, and specimens of the various strata, with such notes of the depths at which such specimens are found, as may be necessary to a proper understanding of the geological structure through which the same are sunk.

Sec. 8. Before any contractor or contractors are paid for the sinking of any of the Wells, the State Engineer, or the Governor, if there be none, shall inspect the same, or appoint three inspectors, who after actual inspection upon oath, shall report to him whether the work has been done according to contract; and if he is satisfied the work has been so done, he shall give a certificate of the fact, and upon filing said certificate in the General Land Office, it shall be the duty of the Commissioner of the General Land Office to issue to the contractor or contractors, the certificates to the land to which he or they may be entitled for the work. Provided, that the certificates shall be issued for each and every well as they may be completed.

Passed February 1st, 1858.

CHAPTER 75.

An Act to create the Counties of Concho, Wichita, Coleman, Dawson, Shackelford, McMullen, Eastland, Frio, Callahan, Zavalla, Edwards, Haskell, Knox, Hardeman, Dimmit, Baylor, Runnels, Jones, Wilbarger, La Salle, Duval, Taylor and Encinal.

Section 1. Be it enacted by the Legislature of the State of Texas, That the several boundaries hereinafter defined shall constitute the counties, and be organized as hereinafter defined.

Sec. 2. The following limits, to wit: Beginning at the north-east corner of Archer county; thence west with the north line of said county to its north-west corner; thence due north to Red River; thence down said river with its meanders to the north-west corner of Clay county; thence south with the west line of Clay county to the beginning, shall constitute the county of Wichita. The county seat thereof shall likewise be called Wichita.

Sec. 3. The following limits, to wit: Beginning on the west line of McCulloch county, at the northwest corner of Menard county; thence due west with the north line of Menard county to its north west corner; thence due north thirty-three miles; thence due east to the east line of Coleman county; thence down said line and the Colorado river, with its meanders to the northwest corner of McCulloch county; thence due south with the west line of McCulloch county, to the beginning, shall constitute the county of Concho. The county seat thereof shall be called Concho.

Sec. 4. The following limits, to wit: Beginning at the southwest corner of Brown county, on the bend of the Colorado river; thence due north with the west line of said county to its northwest corner; thence due west thirty miles; thence due south to the Colorado river; thence down said river with its meanders to the beginning, shall constitute the county of Coleman, (named in honor of Col. Robert M. Coleman, deceased.) The county seat thereof shall be called Coleman.

Sec. 5. The following limits, to wit: Beginning at the northwest corner of Buchanan county, on the south line of Throckmorton county; thence due west thirty miles; thence due south thirty miles; thence due east to the southwest corner of Buchanan county; thence north with the west

line of said county, to the beginning, shall constitute the county of Shackelford, (named in honor of Capt. John Shackelford, now deceased, one of the survivors of Fannin's massacre. The county seat thereof shall bear the same name.

Sec. 6. The following limits, to wit: Beginning at the south-west corner of Medina county; thence due south thirty miles; thence due east to a point due south of the south-east corner of Medina county; thence due north thirty miles, to the south-east corner of Medina county; thence due west with the south line of Medina county, to the beginning, shall constitute the county of Frio. The county seat thereof shall bear the same name.

Sec. 7. The following limits, to wit: Beginning at the south-east corner of Frio county; thence due south forty-two miles; thence due east twenty eight miles; thence due north forty-two miles; thence due west to the beginning, shall constitute the county of McMullen, (named in honor of the late Empresario.) The county seat shall bear the same name.

Sec. 8. The following limits, to wit: Beginning at the south-west corner of Medina county; thence due west thirty-five miles; thence due south thirty miles; thence due east thirty-five miles to the south-west corner of Frio county; thence due north with the west line of Frio, to the beginning, shall constitute the county of Zavalla, (named in honor of Lorenzo de Zavalla, deceased, the first Vice-President of Texas.) The county seat thereof shall bear the same name.

Sec. 9. The following limits, to wit: Beginning at a point on the north line of Uvalde county, thirty miles west of the north-west corner of Medina county; thence due south to the north line of Zavalla county; thence due west thirty miles; thence due north to a point due west of the beginning, thence due east to the beginning, shall constitute the county of Dawson, (named in honor of Captain Nicholas Dawson, who fell at Dawson's massacre, in 1842.) The county seat thereof shall bear the same name.

Sec. 10. The following limits, to wit: Beginning at the south-west corner of Buchanan county; thence due south to the north line of Brown county; thence with the north lines of Brown, Comanche, and Erath counties to the south corner of Palo Pinto county; thence with the north-west line of Erath county five miles; thence due north to a point due east of the south-east corner of Buchanan county; thence due west to said corner, and thence with the south line of Buchanan

to the beginning, shall constitute the county of Eastland, (named in honor of Capt. Wm. M. Eastland, who was murdered while a prisoner in Mexico.) The county seat thereof shall bear the same name.

Sec. 11. The following limits, to wit: Beginning at the north-west corner of Archer county; thence due west thirty miles; thence due south thirty miles to the north-west corner of Throckmorton county; thence with the north line of Throckmorton to the corner of Throckmorton, Young and Archer counties; thence due north with the west line of Archer to the beginning, shall constitute the county of Baylor, (named in honor of Dr. Henry Baylor, who was killed at Dawson's massacre.) The county seat thereof shall bear the same name.

Sec. 12. The following limits, to wit: Beginning at the north-west corner of Archer county; thence due west with the north line of Baylor thirty miles; thence due north to Prairie Dog river; thence down said river and Red River, with their meanders to the north-west corner of Wichita, county; thence due south with the west line of Wichita, to the beginning, shall constitute the county of Wilbarger, (named in honor of the deceased brothers Josiah and Matthias Wilbarger.) The county seat thereof shall bear the same name.

Sec. 13. The following limits, to wit: Beginning at the north-east corner of Eastland county, being also the corner of Buchanan and Shackelford counties; thence due west with the south line of Shackelford thirty miles, to its south-west corner; thence due south to the north line of Coleman county; thence east with the north lines of Coleman and Brown counties to the south-west corner of Eastland county; thence due north, with the west line of Eastland to the beginning, shall constitute the county of Callahan, (named in honor of Captain James H. Callahan, deceased, one of the survivors Fannin's massacre.) The county seat thereof shall bear the same name.

Sec. 14. The following limits, to wit: Beginning on the west line of Coleman county, at the north-east corner of Concho county; thence due west with the north line of Concho thirty miles, to its north-west corner; thence due north thirty miles; thence due east to the north-west corner of Coleman county; thence due south with the west line of Coleman, to the beginning, shall constitute the county of Runnels,

(named in honor of Ex-Governor Hiram G. Runnels, deceased.) The county seat thereof shall be called Runnels.

Sec. 15. The following limits, to wit: Beginning at the south-west corner of Shackelford county; thence due west to a point due north of the north-west corner of Runnels county; thence due south to said corner; thence due east with the north line of Runnels and Coleman counties to the south-west corner of Callahan county; thence due north with said west line to the beginning, shall constitute the county of Taylor. The county seat thereof shall bear the same name.

Sec. 16. The following limits, to wit: Beginning at the north-west corner of Shackelford county; thence due south with the west line of Shackelford to the corner of Shackelford, Callahan, and Taylor counties; thence due west with the north line of Taylor county to its north-west corner; thence due north to a point due west of the beginning; thence due east to the beginning, shall constitute the county of Jones, (named in honor of Ex-President Anson Jones.) The county seat thereof shall be called Anson.

Sec. 17. The following limits, to wit: Beginning at the south-west corner of Throckmorton on the north line of Shackelford county; thence due west with the north lines of Shackelford and Jones counties, to the north-west corner of the latter; thence due north to a point due west of the north-west corner of Throckmorton county; thence due east to said corner; thence due south, with the west line of Throckmorton, to the beginning, shall constitute the county of Haskell, (named in honor of Charles Haskell, a young Tennessean, who fell at Fannin's massacre.) The county seat thereof shall bear the same name.

Sec. 18. The following limits, to wit: Beginning at the north-west corner of Throckmorton county; thence due west with the north line of Haskell county to its north-west corner; thence due north thirty miles; thence due east to the north-west corner of Baylor county; thence south with the west line of the last named county, to the beginning, shall constitute the county of Knox. The county seat thereof shall bear the same name.

Sec. 19. The following limits, to wit: beginning at the North-West corner of Baylor county, being also the corner of Knox and Wilbarger counties, thence due west with the north line of Knox county, to its northwest corner; thence due north to the Prairie Dog Fork of Red River; thence down said

river with its meanders, to the north-west corner of Wilbarger county; thence due South with the west line of the last named county to the beginning, shall constitute the county of Hardeman, (named in honor of the deceased brothers Bailey and Thomas J. Hardeman,) the county seat thereof shall bear the same name.

Sec. 20. The following limits to wit: beginning at the north-west corner of Kerr county, on the south line of Kimble county; thence west with the line of Kimble to its south-west corner; thence due south to the north line of Dawson county, with the boundaries of Dawson, Uvalde, Bandera and Kerr to the beginning, shall constitute the county of Edwards, (named in honor of Hayden Edwards, deceased, one of the first American settlers of Nacogdoches,) the county seat thereof shall be called Edwardsville.

Sec. 21. The following limits, to wit: beginning at the south-west corner of Frio county, being also the corner of La Salle and Zavalla counties, thence west with the south line of Zavalla to its southwest corner, thence due south thirty miles; thence due east to the west line of La Salle county, thence due north with said west line to the beginning; shall constitute the county of Dimmit, (named in honor of Phillip Dimmit, deceased,) the county seat thereof shall bear the same name.

Sec. 22. The following limits, to wit: beginning at the south-west corner of Frio county, being also the corner of Zavalla and Dimmit counties; thence with the east line of Dimmit and due south forty-two miles; thence due east to the south-west corner of McMullen county; thence with the west line of McMullen and the south line of Frio, to the beginning, shall constitute the county of La Salle, (named in honor of the first discoverer of Texas, in 1685.) The county seat thereof shall bear the same name.

Sec. 23. The following limits, to wit: beginning at the south-west corner of McMullen county, thence due east six miles; thence south to the north east line of Starr or Hidalgo county; thence following the north east line of Starr to a point due south of the south-west corner of McMullen county; thence in a direct line north to the south-east corner of La Salle and the south-west corner of McMullen counties; thence with the boundaries of McMullen and due east to the beginning, shall constitute the county of Duval, (named in honor of Captain Burr H. Duval, who fell at Fannin's mas-

sacre,) the county seat thereof shall bear the same name, and may be located by a majority vote anywhere within ten miles of its centre, observing in other respects, the provisions of this act in relation thereto.

Sec. 24. The following limits, to wit: beginning at the north-west corner of Duval county, thence due west with the south line of La Salle to its south-west corner; thence due south to the line of Zapata county; thence with the lines of Zapata and Starr, to the south-west corner of Duval county; thence north with the west line of Duval, to the beginning, shall constitute the county of Encinal, the county seat thereof shall bear the same name.

Sec. 25. That if, upon actual survey it shall appear that after running the lines of the counties north and south of and adjoining Eastland, Callahan and Taylor, the limits herein allowed to each or either of them shall be less than nine hundred square miles, then the limits of said named counties respectively shall be extended west, so as to include the full area of nine hundred square miles. In that case their north and south lines shall be extended due west a sufficient distance to make the west line, running north and south include within the entire county said area of nine hundred square miles.

Sec. 26. That said counties or either or any of them may be organized as follows: whenever the bona fide free white male inhabitants thereof, (including all such recognized as citizens by the constitution of this State,) over twenty-one years of age, to the number of at least seventy-five, may petition the Chief Justice of an adjoining county, or the nearest organized county, asking such organization, and the person presenting the petition (being a credible citizen of the county from which the petition emanates, shall testify upon oath and in writing before such Chief Justice, that the names subscribed to the petition are those of bona fide inhabitants of such county, possessing the qualifications aforesaid, and were affixed to said petition by each of said persons himself; then it shall be the duty of such Chief Justice forthwith to order an election in said county for county officers, observing the provisions, as far as applicable, of the general election laws, and giving at least twenty days notice of the time and places of such election and designating presiding officers. The respective presiding officers shall swear the managers and Clerks and shall himself be sworn by one of the managers. The re-

turns of said election shall be made to the officer ordering the same, and shall be opened by him not before the tenth nor later than the twentieth day after said election. He shall issue certificates to the persons elected and administer to them the oath of office, which may also be done by any other officer authorized to administer oaths, and certify the result to the Secretary of State, giving the names of the officers elected.

Sec. 27. That when elected, qualified and organized, the County Court shall, without delay procure from the General Land Office, or some lawful surveyor on oath, an outline or skeleton sketch of the county, with the centre thereof distinctly marked on said sketch, and a circle drawn round the same representing the distance of five miles in every direction, and within said circle a plat of each survey made therein, giving the numbers of surveys and the names of grantees when known. The Court shall thereupon select not exceeding three places within said circle, to be voted for as the county seat, and immediately order an election for the same, giving at least twenty days notice thereof, which election shall be conducted according to the provisions of the general election laws, and the returns made and opened by the Court on the tenth day after the election. The place receiving a majority of all the votes shall be the county seat. If neither place should receive a majority of all the votes, a second election shall be immediately ordered between the two places receiving the largest number, in the same manner, and under the same provisions as aforesaid, and the place then receiving the highest number of votes shall be the county seat.

Sec. 28. The County Court shall have the power to acquire by purchase, donation or otherwise, land for a county site not to exceed three hundred and twenty acres; or should the point selected by vote be upon vacant public domain, then the State hereby relinquishes the same, not to exceed three hundred and twenty acres to such county, and upon the return of the field notes thereof, certified as correct by a lawful surveyor, a patent shall be issued to the county for the same. And when land may be obtained in either of the modes aforesaid, if there be more than may be necessary for public ground, the Court shall proceed to lay off the same into lots, blocks and streets, setting apart ground for public purposes, churches, school houses and cemeteries, and after giving at least twenty days notice, sell the same at such times, and on such terms as said Court may deem best for the interest of the county. The



proceeds thereof shall be appropriated to the erection of public buildings. Should all or any portion of said lots be sold on a credit, the Court shall hold a lien on the same to secure payment, or the reversion of the ground to the county in case of non-payment.

Sec. 29. That until attached by law to some Judicial District or Districts, each of said counties shall be attached for Judicial purposes in matters appertaining to the jurisdiction of the District Court, to the nearest county in which the District Court may be held.

Sec. 30. That this act take effect from its passage.

Approved February 1st, 1858.

## CHAPTER 76.

An Act to authorize and require the Commissioner of Claims to approve certain Donation and Bounty Land Certificates therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of Claims be, and he is hereby authorized and required to approve the following Donation and Bounty Land Certificates, viz: Bounty certificate, No. 9,548, issued to Jonathan Ping, for 320 acres, on the 4th day of June, 1840, by B. T. Archer, Secretary of War; bounty certificate, No. 638, issued to Memucan Hunt, on the 22d April, 1850, by Ben. F. Hill, Adjutant General, for 1280 acres; bounty certificate, No. 540, issued to W. R. Rector, assignee of J. G. Somers, on the 20th August, 1849, by John D. Pitts, Adjutant General, for 320 acres; bounty certificate, No. 519, issued to William McCann's heirs, on the 7th May, 1849, by John D. Pitts, Adjutant General, for 1280 acres; bounty certificate, No. 981, issued to George Taylor's heirs, on the 10th day of December, 1851, by James S. Gillett, Adjutant General, for 960 acres; bounty certificate, No. 3,554, issued to John H. Moore, on the 24th May, 1838, by Barnard E. Bee, Secretary of War, for 320 acres; bounty certificate, No. 9,908, issued to Burwell B. Boling, assignee of Edward

Hoskins, on the 1st December, 1841, by B. T. Archer, Secretary of War and Navy, for 320 acres; donation certificate, No. 22, issued to John J. Pickett, on the 12th May, 1846, by Wm. G. Cooke, Adjutant General, for 640 acres; donation certificate, No. 79, issued to George W. Seaton, on the 26th June, 1847, by Wm. G. Cooke, Adjutant General, for 640 acres; donation certificate, No. 240, issued to William Means, on the 3d December, 1850, by Ben. F. Hill, Adjutant General, for 640 acres; bounty certificate, No. 254, issued to Meredith Tongate, on the 20th April, 1847, by Wm. G. Cook, Adjutant General, for 320 acres; donation certificate, No. 878, issued to George Taylor, on the 13th May, 1839, by A. Sidney Johnson, Secretary of War, for 640 acres; bounty certificate, No. 1988, issued to Daniel Shipman, on the 21st January, 1838, by Barnard E. Bee, Secretary of War, for 320 acres; bounty certificate, No. 4167, issued to David L. Wilman, on the 7th August, 1838, by George W. Hockley, Secretary of War, for 320 acres; bounty certificate, No. 9116, issued to Edward Taylor, deceased, or his heirs, on the 13th May, 1839, by A. Sidney Johnson, Secretary of War, for 960 acres; bounty certificate, No. 9892, issued to Burwell B. Boling, assignee of Jesse Massey, on the 1st December, 1841, by B. T. Archer, Secretary of War and Navy, for 640 acres; bounty certificate, No. 9896, issued to Burwell B. Boling, assignee of Lewis Ledstrand, on the 1st December, 1841, by B. T. Archer, Secretary of War and Navy, for 320 acres, and bounty certificate, No. 2158, issued to Stephen Best, on the 29th January, 1838, by Barnard E. Bee, Secretary of War, for 320 acres.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved, February 1, 1858.

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## CHAPTER 77.

An Act to authorize the cancellation of a certain contract for work to be done on Sabine River, upon the execution of a new one by the parties mentioned herein.

Section 1. Be it enacted by the Legislature of the State of Texas, That the State Engineer be, and he is hereby authorized to cancel the contract and bond entered into by A. M.

Truitt and Robert S. Patton, on the — day of October, 1857, for removing obstructions to navigation in Sabine River, below Logansport, whenever the said A. M. Truitt and John G. Berry shall have entered into a new contract for the execution of said work, according to the terms of the existing one, and given sufficient bond for a faithful performance of its conditions, to be approved by said State Engineer; and that this act take effect from its passage.

Approved, February 2, 1858.

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#### CHAPTER 78.

An Act to dispense with the use of Scrolls and Seals in certain cases.

Section 1. Be it enacted by the Legislature of the State of Texas, That no scroll or private seal shall be necessary to the validity of any contract, bond or conveyance, whether respecting real or personal property, except such as are made by corporations; nor shall the addition or omission of a scroll or seal in any way affect the force and effect of the same; and every contract in writing hereafter made shall be held to impart a consideration as fully, and in the same manner as sealed instruments have heretofore done.

Sec. 2. That this act take effect from and after its passage.

Approved, February 2, 1858.

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#### CHAPTER 79.

An Act to legalize the location of the County Site of Live Oak county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the action of the County Court of Live Oak county, in locating the county site of said county at Oakville,

is hereby legalized and validated, and said town of Oakville is hereby declared to be the county site of said county, in all respects as if the same had been located and named by the Commissioners appointed by the act of the Legislature of the State of Texas, entitled an act to create the county of Live Oak, and attach it to the fourteenth Judicial District, approved February 2d, 1856, and in accordance with the provisions of said act.

Sec. 2. This act shall be in force from and after its passage.

Approved, February 2d, 1858.

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## CHAPTER 80.

An Act to amend the first section of an act entitled an act to create the county of Jack.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of an act to create the county of Jack, approved August 27th, 1856, shall hereafter read as follows:

"Section 1. Be it enacted by the Legislature of the State of Texas, That the territory embraced within the following limits, to-wit: Beginning at the Southwest corner of Wise county, thence West to the Eastern boundary line of Young County; thence North with the Eastern boundary line of Young county, thirty miles; thence East to the Northwest corner of Wise county; thence South with the West boundary line of Wise county to the place of beginning, shall comprise and constitute the county of Jack."

Sec. 2. That this act take effect and be in force from its passage



## CHAPTER 81.

An Act to provide for the time of holding the Courts of the several counties in the fourth Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas, That the District Court of Bexar county shall hereafter be held as follows, to-wit: The first term of said Court to be holden after the passage of this act, shall begin on the second Monday of March, eighteen hundred and fifty-eight, and may continue in session seven weeks; and the subsequent terms of said Court shall begin on the first Mondays of March and September of each year, and may continue in session seven weeks; and the District Courts of the other counties composing the fourth Judicial District, shall hereafter be held as follows, to wit: In the county of Comal, on the eighth Mondays after the first Mondays of March and September, and may continue in session two weeks; in the county of Kerr, on the tenth Mondays after the first Mondays of March and September, and may continue in session one week; and in the county of Gillespie on the eleventh Mondays after the first Mondays of March and September, and may continue in session two weeks.

Sec. 2. That all writs and process that have been, or may hereafter be issued from any of the District Courts mentioned herein, shall be considered as returnable, and shall be returned to the terms as established by this act, and have the same force and effect as if the same had originally been made so returnable, and that all recognizances and bonds entered into by any person or persons in said Courts, with reference to the period of their respective sessions under the laws heretofore in force, shall be, and the same are hereby made obligatory upon the parties with reference to the terms of said Courts respectively, as prescribed by this act.

Sec. 3. That an act to define the time of holding District Courts in the fourth Judicial District, passed at the present session, and all other laws and parts of laws conflicting with the provisions of this act, be, and the same are hereby repealed; and that this act take effect and be in force from and after its passage.

Approved, February 2d, 1858.

CHAPTER 82.

An Act defining the seventh Judicial District, and the time of holding Courts in the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That the counties of Walker, Grimes, Montgomery, Harris and Galveston, shall constitute the seventh Judicial District.

Sec. 2. That the District Courts shall commence in the seventh Judicial District, in the county of Grimes, on the third Mondays in April and October, and may continue in session two weeks; in the county of Walker, on the second Mondays after the third Mondays in April and October, and may continue in session two weeks; in the county of Montgomery, on the fourth Mondays after the third Mondays in April and October, and may continue in session two weeks; in the county of Harris, on the sixth Mondays after the third Mondays in April and October, and may continue in session four weeks; in the county of Galveston, on the tenth Mondays after the third Mondays in April and October, and may continue in session until the business is disposed of.

Sec. 3. That all writs and process that have been, or may hereafter be issued from any of the District Courts of the seventh Judicial District, as defined by this act, shall be considered as returnable, and shall be returned to the terms as established by this act, from and after it goes into effect, and shall have the same force and effect as if the same had been so returnable.

Sec. 4. That the provisions of all laws, so far as they conflict with this act, be, and they are hereby repealed. Also, that this act take effect and be in force from and after the first day of March, 1858.

Approved, February 3d, 1858.

## CHAPTER 83.

An Act to amend an act entitled an act to organize the seventeenth and reorganize the second Judicial District, and define the times of holding Courts therein, passed September 1st, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above recited act be so amended as to read as follows: "That the seventeenth Judicial District shall be composed of the following counties, to-wit: Williamson, Burnett, Llano, San Saba, McCulloch, Brown and Lampasas."

Sec. 2. That the second section of the above recited act be so amended as to read as follows: "That the District Court shall be held in the seventeenth Judicial District at the following time and places, to-wit: In the county of Williamson on the second Mondays in March and September, and may continue in session three weeks; in the county of Burnett, on the third Mondays after the second Mondays in March and September, and may continue in session two weeks; in the county of Llano, on the fifth Mondays after the second Mondays in March and September, and may continue in session one week; in the county of San Saba, on the sixth Mondays after the second Mondays in March and September, and may continue in session two weeks; in the county of McCulloch, on the eighth Mondays after the second Mondays in March and September, and may continue in session one week; in the county of Brown, on the ninth Mondays after the second Mondays in March and September, and may continue in session one week; in the county of Lampasas on the tenth Mondays after the second Mondays in March and September, and may continue in session until the business is disposed of.

Sec. 3. That all laws and parts of laws conflicting with the provisions of this act, be, and the same are hereby repealed; and that this act take effect from and after its passage.

Approved, February 3d, 1858.

CHAPTER 84.

An Act defining the time of holding Courts in the eighteenth Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas, That the District Courts shall be held in the counties composing the eighteenth Judicial District of the State of Texas as follows, to-wit: In the county of Medina, on the second Mondays in March and September, and may continue in session three weeks; in the county of Bandera, on the fourth Mondays after the first Mondays in March and September, and may continue in session one week; in the county of Atascosa, on the sixth Mondays after the first Mondays in March and September, and may continue in session one week; in the county of Atascosa, on the sixth Mondays after the first Mondays in March and September, and may continue in session three weeks; in the county of Kinney, on the ninth Mondays after the first Mondays in March and September, and may continue in session one week; in the county of Maverick, on the tenth Mondays after the first Mondays in March and September, and may continue in session one week.

Sec. 2. That all writs and process that have been, or may hereafter be issued from any of the District Courts of the eighteenth Judicial District, shall be considered as returnable to the term of said Courts as established by this act, and shall have the same force and effect as if the same had originally been so returnable.

Sec. 3. That all laws and parts of laws conflicting with this act, be, and they are hereby repealed.

Sec. 4. That this Act take effect from and after its passage.

Approved, February 3d, 1858.



## CHAPTER 85.

## An Act to provide for permanently locating the County Seat of Angelina County.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be an election held by the qualified electors of Angelina county, on the first Monday in May next, at the several election precincts thereof, to determine whether the place known as Jonesville, or the place known as Homer, shall be the permanent county seat of said county. No other place shall be recognized as a candidate, and that place of the two named, (Jonesville and Homer,) receiving a majority of votes over the other, shall be the permanent county seat from and after the return day of said election.

Sec. 2. The presiding officers of said election shall be appointed as in other elections; the returns, sealed and signed, as in other elections, shall be made to the County Court on or before the tenth day after the election, and shall be opened, compared, and the result declared in open Court, on the seventeenth day of May, 1858. The place so selected as county seat, whether it be Jonesville or Homer, shall thereafter be called Angelina. Should Homer be elected, then, and in that case, the acts of Joel Hill, W. W. Manning, William Gann and Thomas Crawford, as commissioners, in laying out and disposing of the tract of land in which Homer is situated, under the act of August 11th, 1856, be, and are hereby legalized and declared valid, and the County Court shall be authorized to do whatever may be necessary for the disposition and sale of any unsold portion of said town site.

Sec. 3. That until the permanent location of the seat of justice, as herein provided, the county seat shall be at the place known as Homer. Provided, that the acts of the County Court, done at Jonesville, since the 11th day of August, 1856, or that may be done until the county seat shall be permanently located, as provided for in this act, and shall be as valid as if the same had been done at a legal county seat.

Sec. 4. That this act shall take effect from its passage, and all laws conflicting with the provisions of this act are hereby repealed.

Approved, February 3d, 1858.

CHAPTER 86.

An Act donating to the county of Palo Pinto three hundred and twenty acres of land.

Section 1. Be it enacted by the Legislature of the State of Texas, That should the County Court of Palo Pinto county, or the commissioners authorized to locate the county seat of said county, locate the same upon any vacant and unappropriated land of the State, the same, not exceeding three hundred and twenty acres, is hereby granted to said county, to be laid off into town lots by the County Court, and sold at such times, and on such terms, as said Court may deem best for the interest of the county—the proceeds thereof to be used by said county for building a Court House, Jail, and other public buildings.

Sec. 2. That whenever said county shall have located their county seat, and returned the field notes of a survey not exceeding said amount, upon which the same is located, the Commissioner of the General Land Office is hereby authorized and required to patent the same to, and in the name of said county.

Sec. 3. That this Act take effect and be in force from its passage.  
Approved, February 3d, 1858.

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CHAPTER 87.

An Act extending the appropriations and the times for making the contracts for letting out the improvements for certain Rivers and other navigable waters of Texas, under the provisions of an act entitled "An act to encourage the improvement of the navigation of the Rivers and other navigable waters in Texas, by making appropriations for the same," passed August 1st, 1856, and the act amendatory and supplementary thereto, approved August 23d, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the time for letting out the contracts by the

State for the improvement of the navigation of such of the rivers and other navigable waters in Texas as have had specific amounts allotted for their improvement by the Governor, State Engineer and Comptroller, and the provisions of the acts recited in the caption hereof, and as have not been contracted for, and also the appropriations of the money allotted by the Governor, State Engineer and Comptroller, on the part of the State, for the improvement of such uncontracted for rivers and other navigable waters under the provisions of said acts, is hereby extended for the term of two years from the time of taking effect of this act.

Approved, February 3d, 1858.

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## CHAPTER 88.

An Act for the relief of the Trustees and Patrons of the School Districts, in the several counties, who have not heretofore received their portions of the School Fund, to which they were entitled by an act of the 31st January, 1854, entitled an act to establish a system of Schools.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Chief Justices of the several counties are hereby authorized and required to issue to the Trustees, and in case there be no Trustees, then to two or three of the responsible patrons of said Schools of the several School Districts in their respective counties, who have not heretofore received their portions of the School Fund, an order on the County Treasurer for the same.

Sec. 2. That the money so ordered to be paid over, shall be distributed by the Trusees, or patrons of the said several Districts, among the patrons of the schools in the same, in proportion to the number of pupils sent, and the time they were in attendance on the several schools taught in the years 1854 and '5, and that this law shall not be so construed as to apply to Districts where there was no school organized in accordance with said act.

Sec. 3. Be it further enacted, That the failure of the teachers to make the tabular statements required by the 10th section of the act referred to, shall not deprive said Trustees of the right to receive their portions of the School Fund, nor shall any Chief Justice refuse to issue such order in consequence of said failure.

Sec. 4. That this act take effect from and after its passage.

Approved, February 3d, 1858.

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CHAPTER 89.

An Act to define the jurisdiction over certain tide water and Islands therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following limits shall be comprised within the county of Nueces, to-wit: All of Corpus Christi and Aransas Bays lying South and West of a line drawn from the middle of the channel on the outer bar of Aransas Pass and along the middle of said channel to a point opposite the landing at the point of St. Joseph's Island; thence in a direct line to the Southeast corner of Samuel Highland's survey, on the main land, including within said limits Mustang, and the various small Islands in said waters South and West of said line; and that this act shall take effect from its passage.

Approved, February 3d, 1858.

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CHAPTER 90.

An Act to amend an "Act to organize the County of Upshur," approved April 27th, 1846.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first Section of the above entitled Act be so amended as to read as follows: "That all the territory of

the counties of Harrison and Nacogdoches comprised within the following limits, to-wit: Beginning at the South West corner of George Martin's and North Corner of R. M. Watkins' surveys on "Big Cypress Bayou," thence down said stream to the lower corner of said Watkins' survey; thence with the North East line of said survey to the East corner thereof; thence with the South East line of the same to a point due South of the place of beginning; thence due South to the Sabine river; thence up said river with its meanders to a point one mile above the mouth of Harris' creek; thence due North to the dry fork of Big Cypress Bayou; thence with said Dry Fork and Big Cypress to the place of beginning, be and the same is hereby created into a new county, to be known and called by the name of Upshur.

Sec. 2. This Act take effect from and after its passage.

Approved, February 4, 1858.

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## CHAPTER 91.

An Act to ascertain what land certificates have been illegally issued by the County Courts of counties in Peters' Colony, and to provide for issuing patents on such of said certificates as are legal.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be appointed by the Governor, three Commissioners whose duty it shall be to visit the counties of Collin, Grayson, Cooke, Wise, Parker, Tarrant, and any other counties in Peters' Colony, which the said Board of Commissioners may think necessary, and inspect the records of the County Courts of such counties, so far as the records appertain to land certificates issued by the County Courts to persons as colonists of Peters' Colony, since the first day of February, 1855; and also hear proof touching the validity or invalidity of any certificates so issued; and they shall ascertain by satisfactory testimony what certificates for land have been so issued by said Courts to legal claimants.

Sec. 2. That before entering upon the discharge of the duties imposed by this Act, the Commissioners shall take an oath, to be administered by the Chief Justice of a county, that they will faithfully and impartially discharge the duties required of them; and that they will not directly or indirectly have an interest in any land certificate which it is their duty to investigate; and any two of said Commissioners shall constitute a quorum for the transaction of business.

Sec. 3. That said Commissioners shall enter upon the discharge of the duties herein required, within three months from the time of their appointment; but before so doing, shall give at least one month's notice by publication in the *Dallas Herald*, of the times of the meeting of the Board in each county.

Sec. 4. That the county Clerks of the counties in which the Board shall have their meetings, are hereby required to give the Board free access to the county records so far as they relate to the land certificates, the examination of which is contemplated by this Act; and the said Board shall have power and authority to compel the attendance of witnesses by attachments if necessary, as well as the production of any papers which they may deem proper.

Sec. 5. That it shall be the duty of the Commissioners to hear proof as to the validity of any certificate which they are by this Act required to investigate; Provided, the representative of any such certificate offer their proof at the times of the meeting of the Board in the county in which the certificate was issued.

Sec. 6. That said Board shall keep a record of their proceedings, and all certificates which have been issued to persons entitled to land as colonists under the Peters' Colony contracts and laws, shall be approved by them, and such certificates as have been issued to persons not so entitled, shall be by them rejected; and as soon as practicable after the Board shall have completed the investigation herein provided for, they shall make a full and complete report of such investigation, to the Commissioner of the General Land Office, specifying each claim, with the number if any, and date of the certificate, the name of the person to whom issued, and the quantity, and whether the same was recommended or rejected.

Sec. 7. That the Commissioner of the General Land Office is hereby prohibited from patenting upon any land certificates issued by the County Courts in Peter's Colony, to persons as colonists of said colony, since the first day of February, 1855,

unless the same shall have been approved and reported by the Board of Commissioners herein created, or shall have been declared valid by the District Court, approved by the judge, and reported by the clerk as hereinafter provided for.

Sec. 8. That it shall be the duty of the Commissioner of the General Land Office, so soon as he has received the report of the Board of Commissioners, to make out a statement of the certificates approved, and of those rejected by the Board, and furnish the same to each District and County Surveyor in Peters' Colony; and said Surveyors are hereby prohibited from making or receiving files, locations, or surveys, by virtue of any such rejected certificate. And certificates issued by the County Courts in said Peter's Colony, since the first day of February, 1855, shall not hereafter be located, nor shall any survey be made by virtue thereof, until the same shall have been approved by said Board of Commissioners, or the District Court as herein provided.

Sec. 9. That said Board of Commissioners shall have twelve weeks in which to make the investigations and report as herein provided for; and the division of time for which the Board shall sit in each county, may be determined by the Board according to the amount of business in each county; and should the Board not get through with all the claims in each county, such unfinished business may be continued to the next meeting of the Board, or to the county in which the Board will hold their last meeting.

Sec. 10. That each member of said Board of Commissioners shall be entitled to receive five dollars per day for every day actually engaged in the duties required by this Act; and the Board shall be entitled to pay for printing; the accounts to be approved by the Governor.

Sec. 11. That all land certificates issued by said County Courts since the first day of February, 1855, to persons as colonists of Peter's Colony, which are not approved by the Board of Commissioners, or declared valid by the District Courts, under the provisions of this Act, are hereby declared null and void; and all locations and surveys made by virtue of such certificates as are not hereafter so approved or declared valid, are also declared null and void.

Sec. 12. That any person owning any such land certificate hereinafter mentioned, which may be rejected by said Board, may at the first term of the District Court after such rejection,

or at the second term, showing good cause why it was not done at the first term, file his petition under oath in the District Court of any county in said colony, setting forth the grounds on which he founds his claim, and also stating that he believes himself entitled to the amount of land mentioned in such certificate, by virtue of his being a colonist of Peters' Colony under the contract and laws relative to said colony, or that he is the assignee of the certificate granted to some person who was so entitled, of which petition there need not be any service, but the same shall be filed in the office of the District Clerk, at least five days before the commencement of the term of the Court at which it may be tried, and the general issue shall be considered as plead to the same by the State, and upon proof of his right by the plaintiff, by the oral testimony of at least two respectable witnesses to be produced in open Court at the trial of such case, the plaintiff shall be entitled to a judgment validating the certificate on which the suit is brought; the proof required to authorize such judgment being such as is prescribed by the 10th Section of the Act of 10th February, 1852, entitled "An Act relating to lands in Peters' Colony." And all such rejected certificates on which suits are not commenced within the time prescribed by this Section, shall be forever barred; Provided, That every person who may have purchased certificates which may be declared invalid by the Commissioners appointed by this Act, shall have six months from and after the passage of this Act to cover locations upon such certificates by good and valid certificates; Provided, Such person shall be then residing upon said land.

Sec. 13. That it shall be the duty of the District Attorney to represent and defend the interest of the State in all suits commenced under the provisions of the preceding Section of this Act, and upon the rendition of judgment in favor of the plaintiff, in any such cause, and no appeal being taken therein on the part of the State, the judge trying the same shall approve the certificate, and the Clerk of the Court shall attach thereto a certificate of such judgment under his official seal, and on payment by plaintiff of all costs of such suit, the Clerk shall deliver to him such approved and certified certificate, and shall thereupon immediately report the same to the Commissioner of the General Land Office, particularly describing the certificate, by number, date, to whom issued, and quantity of land.

Sec. 14. That the sum of twelve hundred dollars, or so much



thereof as may be necessary, is hereby appropriated for the purpose of paying said Commissioners, as provided for in Section ten of this Act; and that this Act take effect and be in force from and after its passage.

Approved February 4, 1858.

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## CHAPTER 92.

An Act further regulating proceedings in the District Courts.

Section 1. Be it enacted by the Legislature of the State of Texas, That in any county where by law the term of the District Court is limited to one week, if the defendant in any case has been personally served according to law, (except in cases brought up from the courts of Justices of the Peace) and shall fail to answer before the fourth day of the term of the Court to which he has been cited, the plaintiff on or after the fourth day of the term, may have final judgment by default against the defendant. If the cause of action be liquidated and established by an instrument in writing, the clerk may compute the sum due, or it may be found by a jury if asked for by either party. If the cause of action be unliquidated, a jury shall be impaneled to find the sum which the plaintiff is entitled to recover.

Sec. 2. Where suit is instituted against a partnership, service or process upon one of the partners shall be sufficient notice to all the members of the firm, except that the judgment rendered in case of such service, shall only be enforced against the partnership property, and the separate property of the partner who may have been served.

Sec. 3. Either party to a suit may examine the opposing party as a witness either personally in Court, or upon interrogatories filed in the cause, and shall have the same process to compel his attendance or obtain his testimony, as in the case of any other witness, and his examination shall be conducted, and his testimony received in the same manner, and according to the same rules which apply in the case of any other witness, except that no party shall be compelled to obey a subpoena unless he is a resident of the county where the

suit is pending, or happens to be in said county at the time of trial and where the testimony is sought to be taken in answer to interrogatories, it shall not be necessary to give notice of the filing of the interrogatories, or to serve a copy thereof on the adverse party before a commission shall issue to take the answers thereto, nor shall it be any objection to the interrogatories, that they are leading in their character.

Sec. 4. The party interrogated, whether orally or otherwise, may in answer to questions propounded, state any matter connected with the cause, and pertinent to the issue to be tried; and the adverse party may contradict the answers by any other competent testimony, in the same manner as he might contradict the testimony of any other witness.

Sec. 5. If a party when interrogated either by written interrogatories, or in Court, refuse to answer, or answer evasively the interrogatory so propounded, shall be taken as confessed; or in case the examination be in Court, the Court may in its discretion, compel the party to answer as in case of other witnesses. Provided, that no interrogatories shall be taken as confessed unless a commission has first been issued to take the answers of the party, and he shall refuse to answer after being called on in a legal manner to do so, by the proper officer; and in case of such refusal such officer shall certify to the Court such refusal.

Sec. 6. The answers of a party to interrogatories propounded, may be taken and sworn to before any officer, whether within the State or out of it, who is by law authorized to take depositions, and shall be sealed up with the commission and interrogatories, and returned to the Court from which the commission issued, as provided in other cases of depositions.

Sec. 7. Nothing contained in this act, shall affect the rules of practice and procedure as heretofore established by law, for taking the answers of a party to a cause upon interrogatories filed in the cause; but the provisions of the four preceding sections shall be construed as cumulative.

Sec. 8. The competency of a witness who is surety for cost, or in any other manner bound for a party to the suit, may be restored by the substitution of other good security, that it shall not be necessary to except to any charge of the Court given to the jury on the trial of a cause to entitle a party to assign error thereon.

Sec. 9. An inhabitant of a county, city or town, or member of a corporation or religious society, is competent to testify

upon either side in any suit involving the rights of such county, city, town, corporation or society.

Sec. 10. In the trial of all causes in the Courts of this State, the rate of interest in any other State or Territory of the United States, shall be presumed to be the same as that established by law, in this State, unless the rate of interest of such other State or territory be proven, and may be recovered accordingly, without allegation or proof of the rate of such foreign interest. Whenever in any cause it may be material to prove the assessment of any property for taxes, or the payment of any taxes, the certificate of the Comptroller of this State of such assessment from the rolls deposited in his office, or that the payment of such taxes is shown by the records of his office, shall be admissible in evidence to prove the same.

Sec. 11. In civil suits, each party shall be entitled to challenge three Jurors, without showing any cause therefor.

Sec. 12. After trial of any cause, when either party intends to remove the same into the Supreme Court for revision, the parties may, with the consent and approval of the Judge who tried the cause and without the necessity of copying the entire proceedings, agree upon such a statement of the case, and the facts proven, if any, as in their opinion will be necessary to show whether there has been any error in the proceedings; and such statement shall be signed by the Attorneys of the parties, and certified by the Judge, and filed as a part of the record of the cause; and a copy of such statement and of the judgment in the case and the assignment of errors certified by the Clerks of the Court, shall be a sufficient transcript of the proceedings to be taken to the Supreme Court, and to entitle the parties to a trial therein upon the points presented for revision. In all cases proposed to be removed to the Supreme Court, where such agreed statement is not made, approved and filed, as in this section provided, the Clerks shall make out and send up the full transcript of the proceedings as is now provided by law.

Sec. 13. No writ of error to remove a cause from the District to the Supreme Court, shall in any case issue unless the plaintiff in error give bond with sufficient security for all the cost which may accrue in the Supreme Court, and which may have accrued in the District Court.

Sec. 14. Any person bound as surety upon any contract for the payment of money, or the performance of any act otherwise than by a bill of exchange or promissory note as-

signable or negotiable by law, when the right of action has accrued, may require, by notice in writing, the creditor or obligee forthwith to institute a suit upon the contract.

Sec. 15. If the creditor or obligee, not being under legal disability, shall fail to bring his suit to the first term of the Court thereafter, or to the second term, showing good cause why he did not bring it to the first term, and prosecute the same to judgment and execution, the surety giving such notice, shall be discharged from all liability thereon.

Sec. 16. When any suit is brought against two or more defendants upon any contract, any one or more of the defendants being surety for the others, the surety may, upon a written statement of the matter being set out in his or her answer, cause the question of suretyship to be tried and determined upon the issue made for the parties defendant at the trial of the cause or at any time before or after the trial, or at a subsequent term; but such proceedings shall not delay the suit of the plaintiff.

Sec. 17. If the finding of such issue be in favor of the surety, the court shall make an order directing the Sheriff to levy the execution first upon the property of the principal, subject to execution, and situate in the county in which the judgment is rendered, before a levy shall be made upon the property of the surety; provided, so much property of the principal can be found, as will in the opinion of the Sheriff, be sufficient to make the amount of the Execution, otherwise the levy to be made on so much property of the principal as may be found, if any, and upon so much of the property of the surety as may be necessary to make the amount of the Execution; and the Clerk shall endorse a memorandum of the order of the Execution.

Sec. 18. When any person being surety in any undertaking whatever, shall be compelled to pay any judgment, or any part thereof, or shall make any payment which is applied upon such judgment, by reason of such suretyship, or when any Sheriff or other officer, shall be compelled to pay any judgment or any part thereof, by reason of any default of such officer, except for failing to pay over any money collected, or for wasting property levied on, the judgment shall not be discharged by such payment, but shall remain in force for the use of the surety, officer, or other person making such payment; and after the judgment creditor is paid, so much of the judgment as remains undischarged, but having been paid by such

surety, officer or other person, may be prosecuted to execution for the use of such surety, officer or other person.

Sec. 19. Any one of several sureties, having paid and satisfied the judgment creditor, shall have the remedy provided in the preceding Section, against the co-sureties, to collect of them the ratable proportion each is equitably bound to pay.

Sec. 20. The remedy provided for sureties by this act, extends to endorsers, guarantors, drawers of bills which have been accepted, and every other suretyship, whether created by express contract or by the operation of law.

Sec. 21. That the second and third sections of the act of February 5, 1840, to enable part owners of lands to obtain partition thereof, and for other purposes, be, and the same are hereby repealed.

Sec. 22. That this act shall take effect on the 1st day of July, A. D. 1858.

Approved February 5, 1858.

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## CHAPTER 93.

An Act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the Insane.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor shall appoint five Managers for the State Lunatic Asylum, who shall be citizens of the State. Of those first appointed, one shall serve one year, one two years, one three years, and two four years, and their successors shall be appointed for a term of four years, or in case of vacancy during a term, for the unexpired term.

Sec. 2. The Managers shall serve without compensation. They shall have general direction and control of the property and business of the Asylum. They shall have power to make, with the approval of the Governor, all necessary by-laws and regulations (not inconsistent with the laws of this State,) for the government of the institution and of its officers, employees and inmates, and for the admission of visitors. They shall prescribe the duties of all persons employed about the Asylum, and determine their salaries, except in cases specially provided

for by law; and may at pleasure discharge any person or officer in the Asylum, except the Superintendent. They may, with the concurrence of the Superintendent, appoint an assistant Physician. They may take and hold in trust any gift or devise of real or personal estate for the benefit of the Asylum, and shall make such application thereof as the donor or deviser may prescribe. They shall examine the accounts and vouchers of the Superintendent, and approve of such as may be necessary and proper. They shall exercise a careful supervision over the general operations and expenditures of the Asylum, and direct the manner in which its revenues shall be disbursed.

Sec. 3. The Managers shall hold quarterly meetings at the Asylum, when a majority shall constitute a quorum for the transaction of its business. One or more of the Managers shall visit the Asylum and inspect the same once in every month, or oftener; and they shall keep a full account of their visits and proceedings in a book to be provided for the purpose, and shall make a report to the Governor on the first day of October of each year, setting forth the condition and wants of the institution.

Sec. 4. The Treasurer of the State shall act as Treasurer of the Asylum, and shall collect all its dues, and pay out its revenues only in conformity with the laws of the State, and the by-laws of the institution; and he and the sureties on his official bond, shall be liable for any violation or neglect of duty. He shall make a report to the Governor, of the condition of its finances and expenditures, on the first day of October of each year.

Sec. 5. The Superintendent shall be a married man and a skillful physician, experienced in the treatment of the Insane. He shall continue in office for the term of four years from the time of his appointment, unless sooner removed by the Governor for incompetency, refusal to discharge any of his duties, or for any misconduct on his part, which might render it improper for him to continue longer in office. He shall reside in the Asylum with his family when required to do so by the Managers.

Sec. 6. The Superintendent shall be the Chief Executive and Medical officer of the Asylum, and shall (subject to the by-laws,) have care and control over everything connected therewith. He shall attend to the enforcement of the laws and by-laws, and see that all persons connected with the institution faithfully and diligently perform the duties assigned

them. He shall, with the consent of the Managers, employ such officers, attendants and other persons as may be required for the service of the institution, and may at pleasure discharge them. He shall receive and discharge patients, and shall annually by the first day of October, cause an inventory of all the personal property belonging the Asylum to be made out, with an estimate of the value of each article, and submit the same to the Managers. He shall be Ex-Officio Secretary of the Board of Managers, and shall superintend repairs and improvements, and see that the money intrusted to him is properly and economically expended, and shall keep an accurate account of the same. He shall be the responsible disbursing officer of the institution, and shall give bond for the faithful performance of his duties, made payable to the State in the sum of ten thousand dollars, with two or more sufficient sureties, to be approved by the Treasurer.

Sec. 7. The Superintendent shall keep a register of all patients received and discharged, and of the operations of the Asylum, which may be required by the by-laws, and report the general results to the Governor on the first day of October of each year.

Sec. 8. If information in writing be given to any Chief Justice of a county, that any person in his county is an idiot, or lunatic, or non compos mentis, and that the welfare of himself or of others, requires that he be placed under restraint, and said Chief Justice shall believe such information to be true, he shall order such person to be brought before him, and twelve competent jurors of the county to be summoned, who shall be sworn to inquire and a true verdict render, whether such person is of sound mind or not; whereupon, the matter shall be tried, and if the jury shall return a verdict that the person is not of sound mind, and that he should be placed under restraint, the same shall be recorded, and the Chief Justice shall thereupon order him to be sent to the Lunatic Asylum, unless some friend (to whom the Chief Justice in his discretion may deliver such person,) will give bond payable to the State, with sufficient security, to be approved by said Chief Justice, with the condition to restrain and take proper care of such person, until the cause of confinement shall cease, or he is delivered to the Sheriff of the county, or other person, to be proceeded with according to law. Upon the trial and inquiry herein provided for, the examination of the insane, and the testimony of the witnesses, shall be reduced to writing and

filed. The proceedings of the Chief Justice in relation to insane persons, shall be minuted in the record of his Court appertaining to estates of deceased persons, &c.

Sec. 9. It shall be the duty of the Chief Justice on ordering a person to be sent to the Asylum, to ascertain,

1. The number of his family, if he has one, and their ability to maintain themselves.

2. The value of his estate, if any; and,

3. The ability of persons legally liable for his support. And he shall make an order specifying the amount which his guardian, if any, shall pay out of the estate of such person for his support in the Asylum; and shall cause a minute to be made of the facts ascertained.

Sec. 10. Before sending a patient to the Asylum, the Chief Justice shall, without delay, cause authenticated copies to be made of the proceedings, evidence and decree of the original inquisition, and of the record of all subsequent inquisitions and orders, to be forwarded by mail to the Superintendent of the Lunatic Asylum; and in all cases, except those of great emergency, shall before sending said person, ascertain from the Superintendent by application in writing, that there is a vacancy, and that the officers of the Asylum cannot send for him. Thereupon, the Chief Justice shall issue his warrant to the Sheriff, or other suitable individual, ordering him to convey said person to the Asylum without delay; and when satisfied of the necessity for assistants, he shall prescribe in such warrant the number to be allowed, which in no case shall exceed two; and he shall see that the patient is provided with two good and full suits of summer, and one of winter clothing.

Sec. 11. If any person charged with or convicted of any criminal offence, be found to be insane in the Court before which he is so charged, or convicted, said Court shall order him to be conveyed to and retained in the State Lunatic Asylum, and he shall be received and retained, until removed by order of the Court by which he was committed to the Asylum.

Sec. 12. No idiot who can be safely kept in the county to which he belongs, nor any person laboring under a contagious or infectious disease, shall be sent to the Asylum.

Sec. 13. Any person may be admitted into and retained in the Asylum as a patient:

1. Upon the order of any Court or Judge authorized to send persons to the Asylum.

2. Upon the written request of his legal guardian, near rel-



ative, or friend, if he has no guardian, or of the persons or of counties that may be legally liable for their support. Such request shall set forth the name, age and residence of the persons for whom admission is requested, and such other particulars of the case as may be required by the Managers, and shall be signed under oath, and accompanied with a certificate dated within two months, under oath, signed by one respectable physician, of the fact of his being insane; and also, a certificate from the Chief Justice of the county, as to the respectability of the physician so certifying; Provided, That for private patients, the friends shall pay six months' board always in advance, and give such bond and security for the payment of the expenses of such patient, as may from time to time be required by the by-laws of the Asylum.

Sec. 14. If applications shall be made for the admission of more patients than can be received in the Asylum, preferences in all instances shall be given to those made under order of Court over private applications; and of the former to those for cases of less than one year's duration over chronic cases.

Sec. 15. Any patient, except such as have been committed under the provisions of the eleventh Section of this Act, may be discharged upon the recommendation of the Superintendent, approved by two of the Managers. Incurable and harmless patients, and such others as the Superintendent may deem proper, may in like manner be discharged whenever it is necessary to make room for recent cases, or when for any other cause it may seem expedient.

Sec. 16. When the patient is discharged uncured, the Superintendent shall see that a suitable guard is provided to carry him to his friends, or to the county from which he was sent. No patient shall be discharged without suitable clothing, or without money to pay his necessary expenses home.

Sec. 17. The amount to be paid for the board of patients admitted into the Hospital, shall be at the rate of two dollars per week for each person supported by the county, and for every other person that the Managers may find not to be possessed of estate sufficient to support him and his family, (or if he has no family himself,) under the visitation of insanity, or that the persons legally liable for his support are in indigent circumstances. For all other persons the Superintendent may make a special contract at any rate not less than five dollars per week. In all cases, the expenses of removing the patient from the Asylum home, and for the necessary clothing with which eleventh Section of this Act, shall be defrayed by the State, and the excess of the expenses of those committed by order of Court, and of other patients, over and above what is required in the foregoing

he shall be furnished by the Asylum, if not otherwise provided, shall be extra charges. The expenses of persons committed under the rates, shall in like manner be defrayed by the State.

Sec. 18. The expenses of clothing, maintenance in the Asylum, and removal home therefrom of every person received upon the order of any Chief Justice, shall be paid by the Treasurer of the county from which he was sent, when and as they become due and payable, according to the by-laws of the Asylum. And the County Court shall have the right to require every individual legally liable for the support of such patient, to reimburse the amount so paid with interest, from the time of paying the same.

Sec. 19. No person of unsound mind who is unable to support himself, shall become chargeable to any county, unless he has acquired a legal settlement therein, and shall not be deemed to have acquired such settlement, unless he shall have resided one year in the State, and six months in the county. When any person of unsound mind shall come into the county who is likely to become chargeable thereto, the Chief Justice of such county, may by warrant, cause such person to be removed to the county wherein he was last legally settled, unless he be so sick or disabled that he cannot be removed without danger of life, in which case, he shall be provided for at the expense of the county wherein he is, until he can be so removed.

Sec. 20. It shall be the duty of the County Court of each county that shall be chargeable with the support of one or more persons of unsound mind, to make provision therefor in its annual levy of the county tax.

Sec. 21. If any patient confined in the Asylum, shall escape therefrom, it shall be the duty of the Sheriff of any county in which he may be found, to apprehend him; and if required by the Superintendent or Chief Justice, to take him back to the Asylum.

Sec. 22. The officer complying with the order of the Court, or the Superintendent in carrying a patient to the Asylum, shall on presentation of the proper vouchers, be paid out of the Treasury of the Asylum, at the rate of ten cents per mile for

himself, and each guard (authorised by the Court) going and returning, besides tolls and ferriages, and the same for the patient going.

Sec. 23. No Manager, or other person connected with the institution, shall sell any articles to the Asylum, or have any interest in any contract therewith.

Sec. 24. This Act shall take effect and be in force from and after its passage.

Approved February 5, 1858.

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## CHAPTER 94.

### An Act for the permanent location of the Institution for the Deaf and Dumb of the State.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of seven thousand and five hundred dollars be, and the same is hereby appropriated out of any unappropriated monies in the Treasury, for the purpose of providing a permanent location for the Deaf and Dumb Institution of the State.

Sec. 2. That the Trustees of said Institution, shall be and they are hereby authorised to examine carefully the several tracts or lots of land in and around the city of Austin, belonging to the State, and if they can procure a suitable situation for the permanent location of said Institution thereon they are hereby required to do so, and expend the sum hereby appropriated in the erection of suitable buildings for the accommodation of the pupils. But if in their judgment, the interests of the State and the Institution can be better promoted by the purchase of any other than the property of the State, then, they are hereby authorised to make such purchase, if it can be done on reasonable terms, and expend the residue of this appropriation in fitting up or improving the same, if necessary to be done. Provided, that all their acts in relation to this matter shall be subject to the approval and satisfaction of the Governor of the State.

Sec. 3. That the said sum of seven thousand and five hundred dollars shall be paid, on the order of the Trustees, ap-

proved and countersigned by the Governor, out of any monies in the Treasury not otherwise appropriated, so soon as it may be required.

Sec. 4. That the said Trustees if they purchase property for the location of the Institution, be and they are hereby required to report to the Governor, so soon as they shall have made such purchase. They shall make a fair and full exhibit of such purchase to him, and it shall be the duty of the Governor to lay the same before the Legislature at its next Session.

Sec. 5. That this Act be in force from and after its passage.

Approved February 5, 1858.

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## CHAPTER 95.

An Act to reorganize the thirteenth Judicial District, and to fix the time of holding Courts therein.

Section 1. Be it enacted by the Legislature of the State of Texas, That the thirteenth Judicial District shall be composed of the counties of Madison, Robertson, Falls, Limestone, Hill, Navarro, Freestone and Leon.

Sec. 2. The District Court shall be held in the county of Madison on the third Monday in March and September, and may continue in session one week; in the county of Robertson on the first Monday after the third Monday in March and September, and may continue in session one week; in the county of Falls on the second Monday after the third Monday in March and September, and may continue in session one week; in the county of Limestone on the third Monday after the third Monday in March and September, and may continue in session one week; in the county of Hill on the fourth Monday after the third Monday in March and September, and may continue in session one week; in the county of Navarro on the fifth Monday after the third Monday in March and September, and may continue in session two weeks; in the county of Freestone on the seventh Monday after the third Monday in March and September, and may continue in session one week; in the

county of Leon on the eighth Monday after the third Monday in March and September, and may continue in session two weeks.

Sec. 3. Writs and process of every kind that have been or may be hereafter issued from the District Courts of the counties mentioned in this Act, shall be returned to the terms of said Courts as established by this Act; and all such writs and process shall have the same force and effect in law, as if they had originally been so returnable.

Sec. 4. That all laws and parts of laws in conflict with this Act, are hereby repealed; and that this Act take effect and be in force from and after its passage.

Approved, February 5, 1858.

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## CHAPTER 96.

### An Act to amend An Act to create the county of Brown.

Be it enacted by the Legislature of the State of Texas, That the first Section of the above recited Act, shall hereafter read as follows:

Section 1. Be it enacted by the Legislature of the State of Texas, That the following territory, to-wit: Beginning at the mouth of Pecan Bayou on the Colorado river, thence due East to the line of Hamilton county; thence North thirty degrees West with the lines of Hamilton and Comanche counties to the North West corner of Comanche county, as established at the present session of the Legislature; thence due West sixteen miles; thence due South to the Colorado river, and down said river, with its meanders, to the beginning, shall constitute the county of Brown; the county seat thereof shall be called Brownwood.

Sec. 2. That before ordering an election for county seat, as provided in Section fourth of the Act to which this is amendatory, the centre of said county shall be ascertained and marked on an outline or skeleton sketch of the county, representing the centre, and all surveys of land within five miles of the same, and showing the number and the name of the grantee of each survey, which sketch shall be certified as correct by

the Commissioner of the General Land Office, and thereupon the Chief Justice or any two of the County Commissioners of said county, shall put in nomination, not exceeding three places or tracts of land, within said distance of five miles, according to the provisions of the Act hereby amended.

Sec. 3. That Section six of the above recited Act is hereby repealed; and that this Act take effect from its passage.

Approved February 5, 1858.

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CHAPTER 97.

An Act to amend the first Section of "An Act to create the County of Palo Pinto."

Section 1. Be it enacted by the Legislature of the State of Texas, That the first Section of An Act entitled "An Act to create the County of Palo Pinto," approved August 27th, 1856, shall hereafter read as follows:

Section 1. Be it enacted by the Legislature of the State of Texas, That all the territory laying within the following limits, to-wit: Beginning on the South West corner of Parker county, thence with the West boundary line of Parker county to the North West corner of said county; thence West with the South boundary of Jack county, to the eastern boundary line of Young county; thence South with said line to the South East corner of Young county; and thence West with the South boundary of Young county, to a point which will make thirty miles West from the West line of Parker county; thence South to the South East corner of Buchanan county; thence East to the North corner of Eastland county; thence South with the line of Eastland county to the line of Erath county; thence following the boundaries of Erath and Parker counties, and to the place of beginning, shall constitute the new county by the name of Palo Pinto.

Sec. 2. That this act take effect and be in force from its passage.

Approved February 5, 1858.

## CHAPTER 98.

An Act to be entitled An Act supplementary to and amendatory of An Act providing for the support of Schools, approved 29th August, A. D. 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the fourth Section of the above recited Act shall hereafter read as follows, viz:

All Schools which avail themselves of the benefits of this Act, are declared to be Public Schools; and the County Court of each county shall annually apportion the School Fund among the children of scholastic age, who attend such Public Schools in the following manner:

They shall first pay the tuition of all children whose parents or guardians are unable to pay the same; of orphans whose tuition has not been paid, and of the children of widows who have no greater amount of property than is secured by the Constitution and laws of the State, from forced sale, and who choose to avail themselves of the benefits of this Act.

After paying as aforesaid, the tuition of those classes of children, the balance of the fund shall be apportioned among the paying patrons of the several Public Schools, in proportion to the time each child has attended School without regard to the amount which may have been paid to the teachers by each paying patron.

Sec. 2. The fifth Section of the above recited Act, shall hereafter read as follows, viz:

Every teacher who claims the benefit of this Act shall make a report to the County Court setting forth:

1st. The names of all the patrons of his School.

2d. The names of all the scholars who attend his School.

3d. The number of days which each and every scholar has attended School.

4th. The amount which has been paid by the patrons of the School, upon the tuition of each and every scholar.

5th. The names of all such persons, being patrons of the School, as are entitled to the benefit of this Act, whether on account of inability to pay, or as paying patrons entitled to a pro rata interest in the distribution of the fund. The report thus furnished shall be examined, revised and corrected by the County Court, in such manner as to show with accuracy the

names of such children as are orphans or the children of widows, and whose tuition has not been paid, and the names of the paying patrons, and the full amount of all tuition money paid from all sources, and no School shall receive any benefit under this Act, which has not been taught at least three consecutive months, which shall be established by the oath of the teacher, sustained by the evidence of two respectable paying patrons of the School.

Sec. 3. The sixth Section of the above recited Act, shall hereafter read as follows, viz:

The County Treasurer of each county shall give bond, with two or more securities, payable to the county, in twice the amount of the School Fund to which the county shall be entitled, so soon as the Chief Justice shall be notified by the Treasurer of the State of the amount to which his county is entitled, which bond shall be conditioned, that he will, well and faithfully, keep an account of the money to him committed, as a School Fund for his county, and pay over the same, only upon the order of the Chief Justice of the county, under his hand and the seal of the County Court. He shall keep an accurate account of all monies received and paid out by him, to register and number all orders by him paid or accepted to be paid. He shall, between the first and tenth of the fiscal month of the Treasury of each year, renew his bond; and all suits upon such bonds shall be in the name of the county, and in other respects they shall be governed by the laws regulating the bonds of County Treasurer.

Sec. 4. The seventh Section of the above recited Act shall hereafter read as follows, viz:

The Treasurer of the State shall be Ex-Officio Superintendent of Schools. It shall be his duty, after the first day of the fiscal month, in each and every year, to record the abstracts of children of lawful age in different counties, apportion the monies as herein contemplated, distributing to the several counties the amount to which each is entitled, according to its scholastic population. And it shall be the duty of the Treasurer to keep a correct account of all the monies and matters appertaining to the School Fund, and report to the Governor annually at the close of the fiscal year, the condition of the School Fund, distribution of monies, and such suggestions in regard to the school system as may be deemed advisable. That the fiscal scholastic year shall commence and end upon the fiscal year of the State Treasury; that the County Court of each



county, after ascertaining the scholastic population, shall make a return of the same to the State Treasurer, who, upon the order of the County Court, under the seal of their offices, shall pay over to said County Courts, or their order, their distributive shares of the interest of the School Fund.

Sec. 5. That the County Courts shall allow, as the regular rate of tuition, a sum not to exceed ten cents per day for each scholar who may take the benefit of this Act, and the Act to which this Act is a supplement.

Sec. 6. The amount which any teacher may be entitled to receive under the provisions of this Act, shall be paid to him by the County Treasurer upon the order of the Chief Justice, and when a distribution is ordered among the paying patrons of a School, under the provisions of this Act, there shall be appointed by the County Court at least two responsible householders, patrons of the respective Schools, who shall distribute the fund to each one entitled under the provisions of this law, and make a report of their action to the Court at its next session.

Sec. 7. In every case where a School claiming the benefit of this Act, is attended by scholars who reside in a county other than that in which the School is taught, the teacher of such School may report to the County Courts of the several counties, where the scholars reside, and shall be entitled to a distributive share of the county School Fund in the same manner as if the School were taught in the county of the residence of such scholars.

Sec. 8. That there shall be appointed by the County Court of each county, a Board of School Examiners consisting of three persons, who shall, upon application, examine all persons proposing to teach Public Schools within the limits thereof, and upon finding upon such examination, such applicant properly qualified to discharge the duties of a teacher, shall grant him or her a certificate, stating the branches he or she is qualified to teach; and no person shall draw any of the money set apart for School purposes under the provisions of the School law, unless authorized by certificate as herein provided, to teach a Public School.

Sec. 9. That the eleventh Section of the above recited Act shall hereafter read as follows, viz:

The provisions of this Act, so far as relates to the apportionment to be made by the County Courts, shall extend only to such children as are actually sent to Schools of the State

within the county; and no School shall be entitled to the benefits of this Act, unless the English language is principally taught therein.

Sec. 10. That the Treasurer of the State shall furnish forms for reports of teachers, and of the several County Courts, and County Treasurer, which forms shall be followed in making their several reports. And the said Treasurer shall cause a sufficient number of said forms, together with this law, to be printed, as will furnish ten copies for each County Court in the State.

Sec. 11. Any teacher of a Public School who has taught the same for three months, and desires to avail himself of the benefit of this law, may apply to the County Court in advance of the annual apportionment of the School Fund to be made by them, and upon such showing as will satisfy the County Court, that the same can be done without risk of interfering with the annual apportionment afterwards to be made, the said County Court may order a partial payment to be made to such teacher, of the amount to which he would be entitled under this law.

Sec. 12. That this Act take effect and be in force from and after its passage.

Approved February 5, 1858.

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## CHAPTER 99.

An Act supplemental to an Act entitled an Act to provide for the incorporation of towns and cities.

Section 1. Be it enacted by the Legislature of the State of Texas: That whenever any town or city, already incorporated, shall reorganize under the forty-second section of the Act to which this is a supplement, it shall be in the power of the inhabitants either to contract or extend the limits and boundaries of such town or city; provided, that no town (as defined in the Act aforesaid,) shall contain more than twelve hundred and eighty acres, and no city shall contain more than one league and one labor.

Sec. 2. The question of the reorganization of any town

or city, under the provisions of the Act aforesaid and of this Act, shall be submitted to the inhabitants, and a vote taken thereupon, in the same manner as in case of original incorporation; and the tickets shall be endorsed—"For Re-organization," or "Against Re-organization." And the same rules shall apply to said election and subsequent proceedings as apply to original incorporations.

Sec. 3. Whenever any town or city is reorganized pursuant to the provisions hereof, and of the Act aforesaid, the corporation so re-organized shall succeed to all the rights of property and action which were previously vested in and belonged to the corporation to which it succeeds, and to the right to recover all unpaid taxes due to the old corporation; and it shall also be liable for and bound to satisfy all legal claims or demands, of whatever name or nature, existing against said old corporation at the time of the re-organization.

Approved February 4, 1858.

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## CHAPTER 100.

An Act to legalize the organization of Jack county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the election and qualification of the official acts of the officers of Jack county be and are hereby legalized and rendered as valid, in law and equity, as if their election and qualification had been in strict accordance with the provisions of the Act creating said county, approved August 27th, 1856; and that this Act take effect from its passage.

Approved February 6, 1858.

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## CHAPTER 101.

An Act to change the names of certain towns therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the names of the following towns shall be

changed as follows: The town of Madison, in Orange county, shall be called Orange; the town of Madsonville, in Madison county, shall be called Madison; the county seat of Palo Pinto county shall be called Palo Pinto; the town of Hamilton, in Burnett county, shall be called Burnett; the county seat of Jack county shall be called Jacksboro.

Sec. 2. The change in the several names aforesaid shall, in no wise, affect or invalidate writs or any legal process whatever. And that this Act shall take effect from its passage.

Approved February 6, 1858.

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CHAPTER 102.

An Act to locate permanently the county seat of Jack county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the place known as Mesquiteville is hereby declared the legal seat of justice of Jack county, under the name of the town of Jacksboro; and that this act take effect from its passage.

Approved February 6, 1858.

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CHAPTER 103.

An Act to repeal the Act of 28th January, 1856, to authorize and require the county of Brazoria to establish, discontinue, and regulate public and private roads in said county, and to cause public roads and bridges to be constructed and kept in good repair. And the act supplementary and amendatory thereto, approved August 11, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the two Acts, recited in the caption of this

Act, be and the same are hereby repealed. But this repeal shall not operate to release any taxes, fines or forfeitures, which have heretofore accrued to the county of Brazoria, under the provisions of said recited Acts; but the same shall be collected and expended in the same manner as if these Acts had not been repealed.

Sec. 2. This Act shall take effect and be in force from and after its passage.

Approved February 6, 1858.

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#### CHAPTER 104.

An Act for the purchase of the Alamo Monument.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of twenty-five hundred dollars be and the same is hereby appropriated out of any money in the Treasury, not otherwise appropriated, for the purchase of the Alamo Monument.

Sec. 2. That the Governor be and he is hereby authorized and required to draw the above sum from the Treasury, and pay out of the same the sum of one thousand five hundred dollars to the present owners of the Alamo Monument; and the remainder of the appropriation he shall pay to the widow and children of ——— Nangle, deceased, the sculptor who executed the work. Provided, That for the above consideration, the owners of the Alamo Monument shall transfer all their right and title to the same to the State of Texas.

Sec. 3. That this Act take effect from its passage.

Approved February 6, 1858.

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#### CHAPTER 105.

An Act to amend an Act to provide for the boring of Artesian Wells between the Nueces and Rio Grande rivers.

Be it enacted by the Legislature of the State of Texas, That the first section of the above recited Act be amended so as to read as follows, to-wit:

Section 1. That the State Engineer, or the Governor, if

there be none, be required to contract for the boring of Artesian Wells between the Nueces and the Rio Grande rivers, in number not to exceed five Wells upon each of the following routes, to-wit: from Corpus Christi to Brownsville; from Corpus Christi to Rio Grande City and Roma, and from San Antonio to El Paso. Also three Wells on each of the following routes, to-wit: from Edinburg to the junction of the Edinburg and Brownsville road to San Patricio, and from Corpus Christi to Laredo. Also one Well on the route from Laredo to San Antonio, and from Cauzo to the junction of the Laredo and Cauzo road to Corpus Christi.

Sec. 2. That this Act take effect from its passage.

Approved February 8, 1858.

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#### CHAPTER 106.

An Act to re-organize the sixteenth Judicial District, and define the times of holding Courts therein.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sixteenth Judicial District shall be composed of the counties of Collin, Grayson, Cook, Montague, Clay, Archer, Throckmorton, Young, Jack, Wise, Denton, Tarrant, Parker, Johnson, Ellis and Dallas.

Sec. 2. That the District Court shall be held in said counties twice in each year as follows: in the county of Collin, commencing on the third Mondays in March and September, and may continue in session two weeks; in the county of Grayson, on the second Mondays after the third Mondays in March and September, and may continue in session two weeks; in the county of Cooke, on the fourth Mondays after the third Mondays in March and September, and may continue in session one week; in the county of Montague, on the fifth Mondays after the third Mondays in March and September, and may continue in session one week; in the county of Clay, on the sixth Mondays after the third Mondays in March and September, and may continue in session one week; in the county of Archer, on the seventh Mondays after the third Mondays in March and September, and may continue in

session one week; in the county of Throckmorton, on the eighth Mondays after the third Mondays in March and September, and may continue in session one week; in the county of Young, on the ninth Mondays after the third Mondays in March and September, and may continue in session one week; in the county of Jack, on the tenth Mondays after the third Mondays in March and September, and may continue in session one week; in the county of Wise, on the eleventh Mondays after the third Mondays in March and September, and may continue in session one week; in the county of Denton, on the twelfth Mondays after the third Mondays in March and September, and may continue in session one week; in the county of Tarrant, on the thirteenth Mondays after the third Mondays in March and September, and may continue in session two weeks; in the county of Parker, on the fifteenth Mondays after the third Mondays in March and September, and may continue in session one week; in the county of Johnson, on the sixteenth Mondays after the third Mondays in March and September, and may continue in session one week; in the county of Ellis, on the seventeenth Mondays after the third Mondays in March and September, and may continue in session two weeks; in the county of Dallas, on the nineteenth Mondays after the third Mondays in March and September, and may continue in session until the business is disposed of.

Sec. 3. That until the counties of Montague, Clay, Archer, and Throckmorton, respectively, shall be organized, and their county seats located, it shall not be incumbent on the Judge and District Attorney of said District to attend in such unorganized counties, or either of them remaining unorganized, as the case may be, at the times hereinbefore provided for holding Courts in the same; and that this Act shall take effect and be in force from and after the first day of August, A. D., 1858.

Approved February 8, 1858.

CHAPTER 107.

An Act providing the manner in which the fund set apart for the improvement of Buffalo Bayou shall be expended.

Section 1. Be it enacted by the Legislature of the State of Texas, That the fund set aside for the improvement of Buffalo Bayou, may be expended under the direction of the State Engineer, in such manner, and at such times and places, as may be deemed most advantageous in securing good and permanent navigation upon the same. Provided, That the State fund shall only be drawn from the Treasury quarterly, upon the report of the State Engineer, showing the amount of work done during the quarter; and provided, also, that an account current shall accompany said report, giving the items of expenditures under the system of improvement herein authorized.

Sec. 2. This Act to take effect from date of passage.

Approved February 8, 1858.

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CHAPTER 108,

An Act authorizing and requiring the County Courts to regulate Roads, appoint Overseers, &c.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Courts of the several counties of this State shall have full power to order the laying out of public roads, when necessary, and to discontinue or alter any road whenever it shall be deemed expedient, as hereinafter prescribed; and it shall be their further duty to classify all roads running through their several counties; those of the first class shall be clear of all trees, at least thirty feet wide, stumps cut down to six inches of the surface; all causeways laid out at least fifteen feet wide; and those of the second class shall not be less than twenty feet wide, clear of all trees, all stumps cut to six inches of the surface, and all causeways laid out at least twelve feet wide, and all lanes shall be made at least thirty feet wide.



Sec. 2. That the County Courts of the several counties shall lay off their respective counties into road precincts, and shall at their first meeting in each and every year appoint an overseer for each precinct, and shall at the same time designate all the hands liable to work on public roads, under the different overseers in their county; and in case any hand or hands liable to work on roads shall not have been designated by said Court, the overseer shall have power to summons them to work on the nearest public road to which they may live, as if they had been designated by the Court; provided, thirty days residence be necessary to require the performance of said road service; but if from any cause the Court should fail or neglect to perform the duties required in this section, at its first meeting in the year, it shall be competent and legal for it to make such appointment and designation at a called meeting, or at any regular term; and in case a vacancy should occur in any road precinct, by death, removal, or other inability, of any overseer of the road in the county, it shall be the duty of the Chief Justice, immediately upon information of the same, to appoint an overseer to fill such vacancy, who shall be notified of his appointment, as in other cases, and whose duty it shall be to serve until the first regular meeting of the Court in the next succeeding year.

Sec. 3. That all public roads and highways that have been laid out and established agreeably to law, except such as have been discontinued, are hereby declared to be public roads, and the said County Court shall in no instance grant an order on any application for any new road, or to discontinue an original one, unless the persons making application for the same, or some one of them, shall have given at least twenty days notice, by advertisement, of their intended application, put up at the Court House door, and two other public places in the vicinity of the route of the proposed new road, or the road proposed to be discontinued.

Sec. 4. That all applications for a new road, and all applications to discontinue an original one, shall be by petition to the County Court, signed by at least eight householders of the precinct, or precincts in which such road is desired to be made or discontinued, specifying in such petition the beginning and termination of such road proposed to be opened or discontinued.

Sec. 5. That all roads hereafter ordered to be made shall be laid out by a jury of householders of the county, to be ap-

pointed by the County Court; said Jury shall consist of five persons, a majority of whom may proceed to lay out and mark the road so ordered, to the greatest advantage to the public, and with as little prejudice to enclosures as may be, after having taken the following oath before some person authorized to administer oaths, to-wit:

"I, —, do solemnly swear that I will lay out the road, now directed to be laid out by the order to us directed from the County Court, according to law, without favor or affection, malice or hatred, to the best of my skill and knowledge, so help me God."

And the jury thus qualified, shall report their proceedings on the same to the next term of the County Court.

Sec. 6. That no public road shall be surveyed or laid out upon or across any farm, lot or enclosure, without first obtaining the written consent of the owner, or owners, his, her, or their agent or attorney, to the same.

Sec. 7. That if such written consent should be refused, it shall be the duty of the County Court to appoint five disinterested freehold citizens of the county, as commissioners, a majority of whom may act, to review the same, assess the damages incidental to the opening of the road of the first or second class, through any part of said farm, lot or enclosure, as proposed, taking into consideration the advantages and disadvantages accruing to such person from the opening of such road, and report their action in writing, and under oath, to the next regular term of the County Court.

Sec. 8. That if the owner or owners, his, her, or their agent or attorney, of any uninclosed land, shall file in the County Court a written protest against opening a road viewed and marked out through the same, it shall be the duty of the County Court to appoint five disinterested freehold citizens of the county as commissioners, a majority of whom may act, to review said road, assess the damages, and report in manner and form as provided in the preceding section of this act.

Sec. 9. That if in the judgment of the County Court from the report of the Commissioners aforesaid, the road should be deemed of sufficient importance, they may order the survey or opening of the same; provided, that said County Court shall first order the payment of the damages assessed by said Commissioners out of the county treasury.

Sec. 10. That if no objection be filed upon the report of the jury of view, the Court shall proceed to establish and clas-

sify such road, appoint an overseer, apportion hands, and order the opening out of such road, as provided in the first section of this act, and the overseer, so appointed, shall report his action upon the same, at the first regular term of the county Court in the next succeeding year, and he shall be liable to the fines imposed upon overseers of roads for the non-performance of duty by the provisions of this act.

Sec. 11. That it shall be the duty of the clerks of the county courts to make out copies of all orders of appointment of juries of view or review, and all overseers of roads in duplicate; and within ten days after such orders of appointment shall have been made, he shall deliver such copies to the sheriffs of their respective counties, endorsing on the back of the same the date of the issuance of the order; and all orders of appointment of overseers shall embrace the designation of hands liable to work under such overseer, embracing the boundaries of the precincts as laid off by the court, and the sheriff shall within twenty days after the reception of the same deliver to, or leave at the common residence of the overseer or juror of view or review, a copy of the same, and make his return to the clerk, endorsed on the duplicate, the date of service; and on the clerks or sheriffs failing to perform the duties herein required, each shall forfeit and pay for every such failure the sum of ten dollars, which shall be recovered by judgment on motion of the district attorney in the district court of the county in which the defaulter may reside; and any juror summoned as aforesaid, to view or review a new road, on his neglect or refusal to perform the services herein required, shall each forfeit and pay for every such failure the sum of ten dollars, provided all reasonable excuses shall be heard and allowed; and provided further, that the said viewers or reviewers, shall each be exempt from road duty as many days as they are engaged in performing the said services, the same to be recovered by judgment on motion of the district attorney in the district court of the county in which the defaulter may reside—said defaulter in all cases having three days notice of said motion.

Sec. 12. That all free white male persons, between eighteen and forty-five years of age, and all male slaves and other persons of color, over sixteen and under fifty years of age, shall be liable, and it is hereby made their duty, to work on, repair and clear out the public roads of this State, under such provisions and regulations as are hereinafter made; provided,

that no licensed Minister of the Gospel, instructor of public or private schools, and all students of common schools, or public institutions, keepers of grist mills that grind for toll, public ferrymen, county commissioners, nor chief justices, shall be liable to work on public roads.

Sec. 13. That the overseer of the road shall have power to call out all persons liable to work on public roads, at any time when it may appear necessary to work or repair the roads, or any part of them, in their precinct; provided that no one person shall be compelled to work on more roads than one, nor more than ten days in each year; and further provided, that every overseer of a road shall work through his precinct at least twice in every year.

Sec. 14. That it shall be the duty of the overseer of any road, to give three days previous notice, by summons in person or in writing, left at their respective places of abode, to all free male persons as well as to the owners, overseers, or employers of slaves liable to work on the road in his precinct, to meet at such time and place for that purpose as he shall designate, and bring with them such tools to work with as he shall direct; provided, also, that the overseer shall have power to appoint some one to warn in the hands to work on the road, and such person shall be exempt from working on the road as many days as he was engaged in warning the hands.

Sec. 15. That if any free person, so summoned, shall fail to attend, or send a substitute to work in his place, or when attending, shall fail or refuse to perform his duties as required, such person shall forfeit and pay for each and every day he may so fail to attend, or refuse to work, the sum of one dollar, together with all costs of suit, to be recovered by suit, in the same manner as in cases of debt, before any Justice of the Peace having jurisdiction thereof in the name of the Chief Justice of the county; and if a slave, the sum of one dollar shall in like manner be recovered from the owner, overseer, or employer, for each and every day such slave shall fail to work as required; provided all reasonable excuses shall be heard and allowed; and provided further, that a list of the defaulting road workers furnished by the overseer, shall be a sufficient showing to authorize the Justice of the Peace to issue writs against the parties liable, upon the return or trial day of which, whether the defaulter was summoned verbally or by writing to work on the road, and if by writing, the testimony of the person leaving the notice shall be necessary, upon which

judgment shall be had; but in no event shall the overseer be liable for costs, nor shall he be required to give bond in case he should wish to take an appeal to the district court.

Sec. 16. That if an overseer of a road shall fail or neglect to prosecute any free person, or if a slave, his owner, overseer or employer, who shall fail to attend, or neglect or refuse to perform his duty, when lawfully summoned to work on roads, said overseer shall forfeit and pay for every such neglect, failure or refusal, the sum of five dollars, to be recovered before any Justice of the Peace having jurisdiction, in the same manner as in action of debt, upon the complaint of any person liable to work upon said road, and the funds accruing under this act to be used and applied to the road where such defaulter resides.

Sec. 17. That when to the overseer of the roads it may appear expedient to make causeways and build bridges, the timber most convenient may be used. The earth necessary to cover said causeways shall be taken from both sides so as to make a drain on each side of the causeways, and he shall erect bridges across all such water courses and other places as may appear to him necessary and expedient, and should there be a water course that requires a bridge dividing any two road districts, the overseer of each district shall meet at the same time and place with their hands, and the overseer chosen by the majority present shall superintend the building of such bridges until finished.

Sec. 18. That when it may be necessary to use a wagon to haul material for any bridge, causeway, or other purpose in repairing roads, the overseer of such road is authorized to exchange the labor of any hands bound to work on such road, for the use of a wagon or wagons, and teams to be employed as aforesaid, also to exchange labor for the making of index boards and mile posts.

Sec. 19. That it shall be the duty of all overseers of public roads, to measure such parts of roads as fall within their respective precincts or districts, in continuation, and to set up posts at the end of each mile leading from the Court House or some noted place or town, and to mark on the said posts in large legible figures the distance in miles to said Court house or other noted place, and when a post so erected shall be removed by any means whatever, the overseer of the road shall cause the same to be replaced by another marked as the original one. It shall also be the duty of overseers of roads to affix at the forks of all public roads in their respec-

tive districts or precincts, index boards, with directions pointing towards, the most noted places to which the lead. And on failure to put up mile posts marked as aforesaid, or index boards, within six months after their appointment, the overseer of such road for such failure and neglect, shall be liable to indictment, and on conviction thereof before the District Court, shall be fined in the sum of five dollars, and all costs of prosecution.

Sec. 20. That if any person shall be guilty of defacing or pulling down any mile post or index board, such person being convicted thereof before any Justice of the Peace for said county, shall forfeit and pay ten dollars for every such offence, and on his failure to pay such fine, he shall be imprisoned in the county jail of the county in which the offence was committed, for ten days, unless sooner paid, to be applied by the overseer to the improvement of such road.

Sec. 21. That if any person or persons shall alter or change any public road, unless it be done by permission of the County Court, he, she, or they shall on conviction thereof, forfeit and pay the sum of five dollars for each week the road is so turned out of its old course, and if any person or person shall erect or cause to be erected across any public road, any bar or fence, or fall any tree or brush, or impediment of any kind whatever, and shall not remove such impediment within twenty-four hours, he or they shall forfeit and pay the sum of three dollars for every day the impediment shall remain in such road upon conviction thereof before any Justice of the Peace in the county having jurisdiction thereof, provided, that the parties so offending shall have at least five days notice, by citation as in other cases. Provided further, that nothing herein contained shall subject the party removing said road, to damages, where the same is done to straighten said road through enclosures, or where the removal shall not render the road more inconvenient to the public.

Sec. 22. That if any person subject to road duty, shall refuse to serve as overseer on any road, agreeable to the order of the Court in the county in which he resides, he shall be liable to indictment, and on conviction before the District Court, shall be fined in a sum not less than ten, nor more than forty dollars: provided, all reasonable excuses shall be heard by the Court trying the same. And it shall be the duty of every person appointed by the County Court as an overseer of the road, who is lawfully exempt from road duty, to notify

the Clerk of his County Court of his non-acceptance within ten days after his being notified of his appointment, and on failure to do so, it shall be considered an acceptance of his appointment, and it shall moreover be the duty of the Clerk to insert on the commission, the duties required of overseers in respect to their non-acceptance. And if any person so appointed shall notify the Clerk of his lawful exemption from road duty, the Clerk shall forthwith report the same to the Chief Justice, who is authorized and required to appoint a successor to serve for the residue of the time, and such new overseer, so appointed, shall be subject to the same penalties and forfeitures as the overseers appointed by the County Court, and a copy of the order of appointment made by the County Court and certified by the Clerk of said Court, shall be sufficient evidence of the appointment of overseers in all cases of prosecutions under this act: provided, that no person shall be compelled to serve as an overseer for more than one, in every three succeeding years, and shall not be required to serve on juries during the time he serves as overseer.

Sec. 23. That if any overseer of a road shall fail, neglect, or refuse to perform the duties as prescribed by the act, or if he should not keep the road, bridges and causeways within his precinct clear and in good order, or if he suffers them to remain uncleared or out of repair for twenty days, at any one time, unless hindered by high water or other sufficient cause, to be judged of by the Court, such overseer shall be liable to indictment, and on conviction thereof by the District Court shall be fined not less than ten, nor more than twenty-five dollars; said fines shall be paid into the County Treasury, as other fines and forfeitures for the use of the road precinct under the contract of such defaulting overseer.

Sec. 24. That all fines recovered under the provisions of this act, after deducting therefrom all legal costs, the balance shall be paid over to the overseer of the road, in the precinct where the penalty accrued, for which amount the overseer shall give his receipt, the money to be applied by him to the improvement and keeping in good repair of his road.

Sec. 25. That every free person liable to work on roads, and if a slave, his master, overseer, or employer, may by calling on the overseer at any time before the day appointed to work on roads, and paying to said overseer the amount of which he or they might be liable for failing or refusing to work on said road, taking said overseer's receipt for the same, shall

be exempt from working for every such day so paid for, and also exempt from any penalty for the same.

Sec. 26. That the Overseers of roads shall apply all monies coming into their hands to the improvement of their roads, in an impartial manner, by hiring hands and applying the work equally throughout his precinct. and should said Overseer mis-apply or fail or refuse to apply the money coming into his hands in manner as provided for in this Section of this Act, he shall for such refusal or failure be liable for double the amount so misapplied, to be recovered on motion, as provided for in the sixteenth Section of this Act, and shall be precluded from holding any office in any county in this State, until such monies are fully accounted for; provided, that all reasonable excuses shall be heard and allowed, and provided further, that such monies may be laid out by the Overseer for repairing or building bridges in his precinct, as he may think best.

Sec. 27. That it shall be the duty of all Overseers of roads to report in writing to the County Court, at its first regular session in each year, giving the number of hands and the names of the free white males in his precinct liable to work on roads; the number of days he has worked on his road; the condition the road is in; the amount of fines by him collected, and all the funds received by him for his road. And any Overseer failing or refusing to make such report, shall forfeit and pay five dollars for such failure or refusal, to be recovered on motion, as provided for in the sixteenth Section of this Act, to be paid into the County Treasury for the use of the road where such penalty accrued.

Sec. 28. That the Clerks of the several County Courts of this State shall put up in their respective court houses, on the first day of each District Court, a list of the names and precincts of all the Overseers of the roads in the county, and on neglect shall forfeit and pay for each failure ten dollars, to be recovered on motion made by the District Attorney in the District Court, and paid into the County Treasury.

Sec. 29. That it shall be the duty of the Judges of the District Courts of the several Judicial Districts in the State, to give this Act in charge to the grand jury at the opening of every court held by them.

Sec. 30. That any person desiring a private road for their own convenience, to any public road, or other public place, may petition the County Court in writing for the same, setting



forth their reasons for desiring such road, and designating the place to which such road is desired.

Sec. 31. That if the court shall think the road necessary, they shall appoint three disinterested householders as commissioners to view out such road, with as little injury as possible to the lands through which it may pass, endeavoring to keep the lines between surveys as much as possible.

Sec. 32. That if objections be made by any person through whose laid such road may pass, it shall be the duty of the commissioners appointed to view out the road, to assess the damages done to the person so objecting, and upon the payment of such damages and all other expenses, by the person desiring such road, the court may establish the same as a private road; provided, that the commissioners shall be allowed two dollars per day for each day they may be engaged in such service.

Sec. 33. That the person desiring such road shall open the same at his own expense, and not wider than is necessary for ordinary purposes for passing; provided in all cases that private roads may be opened, unless objected to by the owners of the land through which they may pass.

Sec. 34. That the County Court may discontinue private roads whenever it may be shown that no necessity exists for their longer continuance.

Sec. 35. That the following Act, to-wit: An Act authorizing and requiring the County Courts to regulate roads, appoint Overseers, &c., Approved February 4th, 1854, is hereby repealed.

Sec. 36. That this Act take effect and be in force from and after its passage.

Approved February 8th, 1858.

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## CHAPTER 109.

An Act relinquishing to the Galveston Dry Dock Company the right of the State of Texas to twenty-five acres of land on Pelican Flats, in the Bay of Galveston.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office

of the State of Texas be and he is hereby authorized and required to issue a patent to the Galveston Dry Dock Company, relinquishing to said Company the right, title and interest, of the State of Texas in and to twenty-five acres of land on Pelican Flats, in the Bay of Galveston: beginning at a point on Pelican Flats, in the Bay of Galveston harbor, from which the north tower of Galveston Cathedral bears south eleven degrees and twenty minutes east, distant twelve hundred and sixty varas, and Bolivar Point light-house bears north twenty-four degrees east, seven thousand five hundred and two varas; thence north twenty degrees west, two hundred and thirty-five varas to a stake on said Flats of Pelican Island; thence south seventy degrees west, six hundred varas to a stake on Pelican Flats; thence south seventy degrees east, two hundred and thirty-five varas to a stake on Pelican Flats; thence with the north line of the said Galveston Channel, in two fathoms water, to the beginning: said survey containing twenty-five acres. And further provided, that the grant, hereby made, shall become of no effect, unless said Company shall construct a Dry Dock on the land hereby granted, within two years from the passage of this Act.

Approved February 8, 1858.

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#### CHAPTER 110.

An Act to extend the provisions of an Act to restore lands sold for taxes and purchased by the State, to the former owners on certain conditions, approved February 5, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the provisions of the above recited Act be and the same are hereby extended for the period of two years; and that this Act take effect from and after its passage.

Approved February 9, 1858.

## CHAPTER 111.

An Act to render the receipts of the Comptroller of the State valid in certain cases.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller is hereby authorized to receive and receipt for all taxes now due and owing on land previously assessed, and that his receipt therefor shall be binding on the State.

Sec. 2. That this Act take effect from and after its passage.

Approved February 9, 1858.

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## CHAPTER 112.

An Act to regulate Mustang Chases west of the San Antonio river.

Section 1. Be it enacted by the Legislature of the State of Texas, That an Act entitled an Act to regulate Mustang Chases west of the San Antonio River, approved February 6, 1856, be and the same is hereby repealed; and that this Act be in force from and after its passage.

Approved February 9, 1858.

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## CHAPTER 113.

An Act to provide for a Geological and Agricultural survey of the State.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor is hereby authorized to appoint, as soon as possible, some suitable and competent person as

State Geologist, who shall hold his office for two years, and until his successor shall be appointed and qualified, unless removed by the Governor for neglect to perform the duties of his office, or for malfeasance in office, and who shall perform the duties herein prescribed, and during the period of his service shall hold no other office. And before entering upon the discharge of the duties of his office, he shall enter into bond, with security, to be approved by the Governor, in the sum of twenty thousand dollars, conditioned for the faithful discharge of the duties of his office.

Sec. 2. That said State Geologist shall, as speedily as possible, make a thorough and complete geological survey of the State, so as to determine accurately the quality and characteristics of the soil, and its adaptation to agricultural purposes—the species of produce to which the soil, in different sections, is best adapted; its mineral resources—their location, and the best means for their development; its water powers—their localities and capacities; and generally everything relating to the geological and agricultural character of the State. And for the purpose of carrying out the provisions of this Act, said Geologist shall have power to appoint assistants, with the approbation of the Governor—provided, that not more than two assistants shall be appointed.

Sec. 3. That said State Geologist shall keep his office at the city of Austin, but shall not be required to remain in said office except as his duties allow; and shall keep in said office such specimens as he shall deem necessary to convey to such office. He shall also forward to the Governor, from time to time, during the progress of the survey, specimens of rocks, ores, coals, soils, fossils, and other mineral substances, as may be necessary and proper to form a complete cabinet of specimens of the geology and mineralogy of the State; and the Governor shall cause the same to be deposited, in proper order, in some convenient room at the Capitol of the State, there to be preserved for public inspection. And said Geologist shall make a report to the Legislature, at its regular sessions, of his surveys, explorations, and examinations into the mineral and other natural resources of the State, its climate and agricultural adaptability, accompanied by illustrative maps, charts and drawings, with reference to the same; which report shall be the exclusive property of the State. Provided, however, that the said Geologist shall not be pro-

hibited from publishing any such facts, maps, charts and drawings, which it is made his duty to report. And that in making any survey upon the frontier, the Governor or said State Geologist is authorized to request the co-operation of any scientific corps, of the United States army, or navy, and an escort of United States troops.

Sec. 4. That said State Geologist, for the performance of said service, shall receive an annual salary of three thousand dollars, to be paid to him quarterly, after he enters upon the duties of his office; and that the sum of twenty thousand dollars be and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Governor, for the purposes of carrying into effect this Act, by employing assistants, and in defraying the incidental expenses of his office; and upon presentation, by the State Geologist, of the proper vouchers, approved by the Governor, the Comptroller is hereby authorized to draw his warrant on the Treasury for the cost of any chemical apparatus, or other outfit deemed necessary by the Governor, as well as all other expenses of said survey. Provided the amount expended shall not exceed the amount herein specified and appropriated; and provided, further, that the salary of each assistant State Geologist shall not exceed fifteen hundred dollars per annum, for the time he may be engaged.

Sec. 5. That said State Geologist and his assistants, before entering upon the duties of their respective offices, shall make oath, before some competent officer, that they will not purchase any lands in this State, with a view to speculation, during the time they hold their said offices, and that they will not conceal or suppress any information relative to any valuable discovery which they may make, pertaining to the objects of said survey, either from the State, or from individuals upon whose lands said discovery may be made, and will so conduct the survey as to give as much publicity as possible to the important results of said survey.

Sec. 6. That the Chief Geologist and his assistants, upon their removal or resignation, or at the expiration of his office, shall turn over to his or their successors, or to the Governor, all the minerals, shells, maps, plats and diagrams, which they may collect or make during their term of office,

and shall communicate all important geological information to their successors, acquired during such geological survey.

Sec. 7. That this Act shall take effect from its passage.

Approved February 10, 1858.

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CHAPTER 114.

An Act to amend an Act to create the county of Llano.

Be it enacted by the Legislature of the State of Texas, That the first section of an Act to create the county of Llano be amended so as to read as follows:

Section 1. Be it enacted by the Legislature of the State of Texas, That the following territory shall constitute the county of Llano: Beginning at the mouth of Slick Rock Creek, on the south side of the Colorado river; thence due south five miles; thence in a direct line to a point five miles due south of the mouth of Sandy Creek; thence due west thirty-three miles to a point which is also the south-east corner of Mason county; thence due north to the south line of San Saba county, as established at the present session of the Legislature; thence due east with said line to the mouth of Fall Creek, on the Colorado river, and down said river, with its meanders, to the beginning.

Sec. 2. That as soon after the passage of this Act as practicable, the County Court of said county shall order an election for the county seat of said county, observing, in all respects, so far as applicable, the provisions of an Act creating the counties of Archer, Mason, Menard, Buchanan, Kimble, Hamilton, Hardin, and Zapata, in ascertaining the center, conducting the election, making returns and in procuring laying off into town lots, and disposing of land for a county seat. Said county shall also be entitled to three hundred and twenty acres of the public domain, on the same terms and conditions as are provided in said named Act.

Sec. 3. That all laws and parts of laws, conflicting with the provisions of this Act, be and are hereby repealed; and that this Act take effect and be in force from and after its passage.

Approved February 10, 1858.

## CHAPTER 115.

An Act to amend an Act to create the county of San Saba.

Be it enacted by the Legislature of the State of Texas, That the first section of the above recited Act shall hereafter read as follows:

Section 1. Be it enacted by the Legislature of the State of Texas, That the following described territory shall constitute the county of San Saba: Beginning at the mouth of Fall Creek, on the Colorado river; thence due west thirty-eight miles; thence due north to the Colorado river; thence down said river, with its meanders, to the place of beginning. And that this Act shall take effect from its passage.

Approved February 10, 1858.

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CHAPTER 116.

An Act to establish the University of Texas.

Whereas, From the earliest times, it has been the cherished design of the people of the Republic and of the State of Texas, that there shall be established, within her limits, an Institution of learning, for the instruction of the youths of the land in the higher branches of learning, and in the liberal arts and sciences, and to be so endowed, supported and maintained, as to place within the reach of our people, whether rich or poor, the opportunity of conferring, upon the sons of the State, a thorough education, and as a means whereby the attachment of the young men of the State to the interest, the institution, the rights of the State, and the liberties of the people, might be encouraged and increased, and, to this end, hitherto liberal appropriations of the public domain have been made; and,

Whereas, The increasing population and wealth of the State, and the tendency of events, indicate the fitness of now putting that cherished design into effect, therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That there is hereby established, within this State, an Institution of learning, to be styled "The University of

Texas," to be located at such place and in such manner as may be determined by law.

Sec. 2. The sum of one hundred thousand dollars of the United States bonds in the Treasury not otherwise appropriated, is hereby set apart and appropriated to the establishment and maintenance of the samee. The fifty leagues of land, which, by the Act of January 26, 1839, entitled "An Act appropriating certain lands for the establishment of a general system of education," were set apart and appropriated for the establishment and endowment of two Colleges or Universities, are hereby set apart and appropriated to the establishment and maintenance of the University of Texas. There is hereby set apart and appropriated to the same purpose, one section of land out of every ten sections of land which have heretofore been, or may hereafter be surveyed and reserved for the use of the State, under the provisions of the Act of January 30, 1854, entitled "An Act to encourage the construction of railroads in Texas by donations of land," and under the provisions of any general or special law heretofore passed, granting lands to railroad companies, and under the provisions of the Act of February 11, 1854, granting lands to the Galveston and Brazos Navigation Company. The Governor of the State shall select the sections hereby appropriated, so that no sections selected shall adjoin, out of the lands now surveyed, as soon as practicable, and out of the lands hereafter to be surveyed, as soon thereafter as practicable, and shall cause a record to be made, in the Land Office of the State, of the sections so selected; and, thereupon, it shall be the duty of the Commissioner of the General Land Office to designate, upon the maps, the sections so selected as University lands. The sale of these sections shall hereafter be regulated by a special law.

Sec. 3. The control, management and supervision, of the University, and the care and preservation of its property, subject always to the control of the legislature, is committed to a Board of ten persons, to be styled "The Administrators of the University of Texas," which shall be composed of the Governor of the State of Texas, the Chief Justice of the Supreme Court of Texas, and eight others, who shall be appointed by the Governor, by and with the consent of the Senate, to hold office for four years, and until their successors are qualified. The Administrators shall receive no compensation for their services.



Sec. 4. The following branches of learning shall be taught at the University, viz: Ancient and Modern Languages, the different branches of Mathematics, pure and physical, Natural Philosophy, Chemistry, Mineralogy, including Geology, the principles of Agriculture, Botany, Anatomy, Surgery and Medicine, Zoology, History, Ethics, Rhetoric and Belles-Lettres, Civil Government, Political Economy, the Law of Nature, of Nations, and Municipal Law.

Sec. 5. The religious tenet of any person shall not be made a condition of admission to any privilege or office in the University; nor shall any course of religious instruction be taught or allowed, of a sectarian character and tendency.

Sec. 6. The Administrators shall have the power to appoint the President, Faculty, Instructors, and Officers, of the University, and prescribe the course of instruction and discipline to be observed, in the University. They shall fix the salaries of the President, Faculty, Instructors, and Officers of the University. Five of the Administrators, with the Governor or Chief Justice, lawfully convened, shall be a quorum for the transaction of business. They shall meet at least once in every year, for the transaction of business, and shall keep a record of their proceedings. They shall have a Secretary, to be elected by them. They shall have the power to make all regulations, which, to them, shall seem expedient for carrying into effect the design contemplated by the establishment of this University, not inconsistent with the laws of the State.

Sec. 7. The Administrators shall have the right of conferring, on any person whom they may think worthy thereof, all literary honors and degrees known and usually granted by any University or College in the United States or elsewhere.

Sec. 8. The Administrators shall report to the Legislature, at each session, the situation of the affairs of the University.

Sec. 9. Instruction at the University shall be free, and the Administrators shall prescribe what degree of proficiencies shall entitle students to admission.

Sec. 10. A committee, to be appointed by the Legislature at each session, shall attend the annual examinations of the students of the University, and report to the Legislature thereon.

Sec. 11. The reasonable expenses incurred by the Administrators and visiting committee, in the discharge of their duties, shall be paid out of the funds of the University.

Sec. 12. The Treasurer of the State shall be Treasurer of the University funds.

Sec. 13. So soon as the location of the University is determined upon, it shall be the duty of the Administrators to proceed to the construction of the necessary buildings, and for that purpose, shall procure the services of a competent architect, who shall superintend the work: such plan and design for the buildings shall be adopted, as shall be consistent with the addition of wings or other structures hereafter, without marring the architectural beauty and fitness of the whole. There shall be constructed suitable buildings for the accommodation of the Professors and their families. The contracts for the buildings shall require the performance of the work under ample security for its fitness and faithfulness.

Sec. 14. The expenditures of the University, for the construction of buildings, or otherwise, shall be made under the order of the Administrators; and when money is required for the payment of the same, it shall be drawn upon the warrant of the Governor, countersigned by the Secretary, upon the Treasurer, who shall pay the same out of the University funds. And this Act shall take effect and be in force from and after its passage.

Approved February 11, 1858.

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## CHAPTER 117.

An Act to authorize the County Court of Webb county to levy a special tax.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of the county of Webb be authorized to levy a special tax, not to exceed the amount of the State tax, to be appropriated to the payment of the surveyor's fees for running the boundary lines of said county, and the extinguishment of the debt of the county. Provided, that the power of levying said tax shall be confined to the years 1858 and 1859.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved February 11, 1858.

## CHAPTER 118.

An Act to provide Relief for Pre-emption Settlers and their Assignees under the Act of the 22d January, 1845; the Act of the 7th February, 1853, and the Act of the 13th February, 1854, and actual Settlers in the Mississippi and Pacific Railroad Reservation.

Section 1. Be it enacted by the Legislature of the State of Texas, That all Pre-emption Settlers and their assignees who have succeeded the original Settlers in continued occupancy under any of said Acts, who would be entitled to their pre-emption claims by virtue of the settlement and improvement thereof, under any or all of the following Acts, to-wit: The Act of the 22d January, 1845; the Act of the 7th February, 1853; and the Act of the 13th February, 1854; provided, they had returned their field notes for patent within the time prescribed by law, shall have until the first day of January, 1859, to return for patent to the Commissioner of the General Land Office, the field notes of their surveys. And be it further enacted, That all of said Settlers and their Assignees who would have been entitled to their pre-emption under said Acts, provided, they had caused their land to be surveyed within the time prescribed by law; and all of those who have caused their lands to be surveyed within the time prescribed, failed through the neglect of the Surveyor, or from any other cause whatever, to have their field notes returned and recorded in the Surveyor's Office of the county in which their land is located, shall have the same time to cause to be surveyed or re-surveyed, as the case may be, their pre-emption claims, and to return their field notes for patent, to the Commissioner of the General Land Office. Provided, however, that said Settlers and their assignees, have complied in all other respects with the law under which they may claim; And provided further, That the land so claimed, remains unlocated by virtue of any genuine land claim against the State; and provided further, That if said Settlers shall fail to comply with this Act, within the time prescribed, their claims shall be forfeited, and their lands subject to location as other public domain.

Sec. 2. That all those actual Settlers or their assigns, who are required by an Act, passed August 26th, 1856, for location, settlement and survey of the Pacific Railroad Reser-

vation, and an Act supplemental thereto, passed for the relief of said actual Settlers by the 7th Legislature, to pay fifty cents per acre, shall have until the first day of January, 1859, to have their Surveys made and field notes returned to the General Land Office.

Sec. 3. That occupation of the premises up to the time of issuing the certificate by the Clerk of the County Court or Chief Justice of the county, as provided for in said Acts, shall not be necessary to entitle said Settlers or their assignees, to said certificates; Provided, That said Settlers and their assignees, shall be required to prove in accordance with the law under which they may claim, that they resided upon and improved their lands, in accordance with the law, under which they settled, for three consecutive years; And provided further, That the widows and children of Settlers or their assignees, who died upon their pre-emption, shall be entitled to the benefits of this Act by complying with the provisions thereof.

Sec. 4. That it shall be the duty of the Commissioner of the General Land Office, to issue patents upon all field notes returned in accordance with the provisions of this Act.

Sec. 5. That all laws and parts of laws, conflicting with the provisions of this Act, are hereby repealed; and this Act shall take effect from and after its passage.

Approved February 10, 1858.

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## CHAPTER 119.

An Act making an appropriation for the purchase of a permanent location for the Institution established for the education of the Blind of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of twelve thousand five hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any unappropriated moneys in the Treasury, for the purchase and improvement of a site for the permanent location of the Institution for the instruction of the Blind of the State.

Sec. 2. The said sum of twelve thousand and five hundred dollars shall be paid on the order of the trustees, approved and countersigned by the Governor, out of any money in the Treasury not otherwise appropriated, so soon as they shall have made the herein authorized purchase.

Sec. 3. That the trustees of said Institution for the Blind shall be required, first, to examine carefully the tracts or lots of land belonging to the State in and around Austin, and if they can procure a suitable situation thereon for the permanent location of said Institution, they are hereby required to do so. But if the interests of the State and the Institution can, in their judgment, be better promoted by the purchase of any other than the property of the State, then they are hereby authorized to make said purchase.

Sec. 4. That said trustees, after having made a selection for the permanent location of the Blind school, as directed by this Act, may contract for such improvements thereon as may be necessary for the present comfort and necessities of the pupils of said Institution, and that they may use any overplus of the appropriation made by this Act, that may remain after purchasing a site for the said school for that purpose. Provided, that no improvement shall be made upon any property so purchased, until said purchase shall be ratified by the Legislature.

Sec. 5. That said trustees shall be and are hereby required to report to the Governor, so soon as they shall make said purchase; shall make a full and fair exhibit of said purchase and expenditures, and it shall be the duty of the Governor to lay the same before the Legislature at its next session.

Sec. 6. That should the trustees select a location upon property belonging to the State, as directed under the provisions of the first part of the third section of this Act, they shall, under the direction of the Governor, Comptroller, and Secretary of State, expend the twelve thousand five hundred dollars, or so much thereof as may be necessary, for the purpose of erecting thereon suitable buildings for said Institution.

Sec. 7. That this Act take effect and be in force from and after its passage.

Approved February 11, 1858.

CHAPTER 120.

An Act to relinquish the right of the State to certain Lands therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the State of Texas hereby relinquishes all right and interest in the following described lands, to the original grantees thereof, their heirs, and legal assigns, to-wit: In the county of El Paso—1. To the people of the town of Socorro, one league of land, called "El Pueblo de Socorro. 2. Jose Sanchez, Guadalupe Mirando and Romelo Barela, one league and one half league of land, called "El Canutillo." 3. To Juan Maria Ponce de Leon, two caballerias of land, called "El Rancho de Ponce," now known as the town of Franklin. 4. To Juan and Jacinto Ascarete, three leagues of land, called "El Rancho de Ascarete."

Sec. 2. That it shall be the duty of the several claimants to the lands named in this act, to have the same surveyed by the district or county surveyor of said county, which survey shall in all respects conform to the metes and bounds designated in the original grant, and upon the return of the field-notes thereof to the General Land Office, the Commissioner of the General Land Office, is hereby authorized and required to have the same plotted on the proper map in his Office, and issue Patents for the same in accordance with existing laws.

Sec. 3. That the confirmation herein extended to the lands named in this act, shall in no way be construed to interfere with any rights which may have accrued to other parties before the passage of this act. Provided, that nothing in this act shall be so construed as to relinquish the right of the State to any of the Islands or Salt Lakes situated in the county named in this act.

Sec. 4. That this Act take effect and be in force from and after its passage.

Approved, February 11, 1858.

## CHAPTER 121.

An Act supplementary to and amendatory of an act entitled an act to adopt and establish a Penal Code for the State of Texas, approved 28th August, 1856.

Article 1. Be it enacted by the Legislature of the State of Texas, That the following Chapters and Articles of the act above recited, commonly known as the Penal Code, be, and they are hereby so amended as that the same shall hereafter respectively read as follows—that is to say:

## PART I.

General Provisions Relating to the whole Code.

## TITLE 1

The general objects of the Code—The principles on which it is founded, and rules for the interpretation of Penal Laws.

Article 4 shall hereafter read thus:

The principles of the common law shall be the rule of construction, when not in conflict with the Penal Code or Code of Criminal Procedure, or with some other written statute of the State.

Article 9 shall hereafter read as follows:

This Code, and every other law upon the subject of crime, which may be enacted, shall be construed according to the plain import of the language in which it is written, without regard to the distinction usually made between the construction of penal laws and laws upon other subjects, and no person shall be punished for an offence which is not made penal by the plain import of the words of a law.

## TITLE 2.

Of Punishments in General.

Article 64 shall hereafter read as follows:

When the penalty affixed to the commission of an offence is deprivation of political rights, such rights are intended to include the rights of holding office, of serving on juries, and of suffrage.

Article 71a. Whenever by the provisions of the Penal Code, or other law of the State, it is declared that an offence may be punished by death, or by some other penalty as alternative, the jury may by their verdict find the defendant guilty, and if this be the form of the verdict, sentence of death shall be pronounced thereon. But in the cases above mentioned, the jury may in their discretion assess the lighter penalty prescribed by law within the limits so prescribed, and this, when so intended, shall be specially set forth in the verdict.

TITLE 3.

CHAPTER 13.

Of the rules to be prescribed by the Directors.

Article 186 shall hereafter read as follows:

The punishments to be prescribed by the directors of the Penitentiary, shall consist of closer imprisonment, confinement in irons, deprivation of privileges enjoyed by other prisoners, and punishments of the like kind. Whipping shall not be resorted to except by special order of the Directors in the particular case, nor shall shaving the head of a convict be in any instance allowed.

TITLE 5.

CHAPTER 1.

Principals.

Article 218a. If the master of a slave instigates, aids, encourages, advises, or wilfully permits such slave to commit an offence, he may be considered and prosecuted, either as a principal or as an accomplice, and shall be punished in the manner prescribed in Article 223 of the Penal Code.

TITLE 6.

CHAPTER 2.

Misprision of Treason.

Article 234 shall hereafter read as follows:

The punishment for misprision of treason is confinement in



the Penitentiary, a time not less than two nor more than seven years.

### CHAPTER 3.

#### Embezzlement or misapplication of public money.

Article 235 shall hereafter read as follows:

If any officer of the Government, who is by law a receiver, or depository of public money, or any clerk or other person employed about the office of such officer, shall fraudulently take, or misapply, or convert it to his own use, any part of such public money, or secrete the same with intent to take, misapply, or convert to his own use, or shall pay or deliver the same to any person, knowing that he is not entitled to receive it, he shall be punished by confinement in the Penitentiary, for a term not less than two nor more than ten years.

Article 236 shall hereafter read as follows:

If any person shall knowingly and with fraudulent intention receive or conceal any public money which has been taken, or converted to his own use by an officer or employe, as set forth in the preceding Article, he shall be punished by confinement in the Penitentiary, for a term not less than two nor more than five years.

### CHAPTER 5.

#### Dealing in fraudulent Land Certificates.

Article 242 shall hereafter read as follows:

If any person shall make or issue any fraudulent or forged certificate for land, or shall knowingly purchase or sell any such certificate, or locate any such certificate, or be in any manner directly or indirectly concerned in the making, or issuing, purchasing, selling, or locating any such certificate for land, knowing the same to be fraudulent, he shall be punished by confinement in the Penitentiary, for a term not less than two nor more than five years.

### CHAPTER 7.

#### Forgery of Patents, Land Certificates, &c., &c.

Article 248 shall hereafter read as follows:

If any person shall wilfully and knowingly pass or use, or

attempt to pass or use, any such false document or instrument as is mentioned in the three preceding articles, he shall be punished by confinement in the Penitentiary, not less than two nor more than five years.

**TITLE 7.**

Of offences affecting the Executive, Legislative and Judiciary Departments of the Government.

**CHAPTER 1.**

**Bribery.**

Article 250 shall hereafter read as follows:

If any person shall bribe, or offer to bribe any Executive, Legislative, or Judicial officer, after his election or appointment, and either before or after he shall have been qualified or entered upon the duties of his office, with intent to influence his act, vote, opinion, decision, or judgment, on any matter, question, cause, or proceeding which may be then pending, or may thereafter by law be brought before such officer in his official capacity, he shall be punished by confinement in the Penitentiary, for a term not less than two nor more than five years.

Article 251 shall hereafter read as follows:

Any Legislative, Executive, or Judicial officer, who shall accept a bribe under an agreement, or with an understanding that his act, vote, opinion, or judgment, shall be done or given in any particular manner, or upon a particular side of any question, cause or proceeding, which is, or may thereafter by law be brought before him, or that he shall make any particular nomination or appointment, shall be punished by confinement in the Penitentiary, not less than two nor more than ten years.

Article 253 shall hereafter read as follows:

If any person shall bribe, or offer to bribe, any clerk or other officer of either branch of the Legislature, or any clerk or secretary in any department of the State Government, with the intent to influence such officer to make any false entry in any book or record pertaining to his office, or to mutilate or destroy any part of such book or record, or to violate any other duty imposed upon him as an officer, he shall be pun-

ished by confinement in the Penitentiary, a term not less than two nor more than five years.

Article 254 shall hereafter read as follows:

If any officer named in the preceding Article shall accept a bribe so offered, he shall be punished by confinement in the Penitentiary, not less than two nor more than five years.

## TITLE 8.

### CHAPTER 2.

#### Offences by Judges and other Officers of Elections.

Article 269a. Any officer or person having custody or charge of ballots cast in an election, who shall open and read any ballot, or who shall permit it to be done, without the consent of the elector who cast it, except when such ballot has been decided to be illegal by the lawful tribunal deciding a contested election, shall be punished by fine, not exceeding five hundred dollars.

## TITLE 10.

### Of offences against Public Justice.

#### CHAPTER 1.

##### Of Perjury and False Swearing.

Article 298 shall hereafter read as follows:

If any person shall by any means whatever, corruptly attempt to induce another to commit the offence of false swearing, he shall be punished by imprisonment in the Penitentiary for a term not less than two nor more than five years.

#### CHAPTER 2.

##### Bribery.

Article 299 shall hereafter read as follows:

If any person shall bribe, or offer to bribe, any Auditor, Juror, Arbitrator, Umpire, or Referee, with intent to influence his decision, or bias his opinion in relation to any cause or matter which may be pending before, or may thereafter by

law be submitted to such Auditor, Juror, Arbitrator, Umpire, or Referee, he shall be punished by imprisonment in the Penitentiary, not less than two nor more than five years.

Article 300 shall hereafter read as follows:

If any Juror, Auditor, Arbitrator, Umpire, or Referee, shall accept a bribe offered for the purpose of biasing or influencing his opinion or judgment, as set forth in the preceding Article, he shall be punished by confinement in the Penitentiary, not less than two nor more than five years.

Article 302 shall hereafter read as follows:

If any person shall bribe, or offer to bribe, any Attorney at Law, or Attorney in fact, charged with the prosecution or defence of a suit, with intent to induce him to divulge any secret of his client, or any circumstance which came to his knowledge as counsel, to the injury of his client, or with intent to induce him to give counsel, or in any way advise or assist the opposite party, to the injury of his client, in any cause, civil or criminal, or to neglect the interest of his client, he shall be punished by imprisonment in the Penitentiary, not less than two nor more than five years.

Article 304 shall hereafter read as follows:

If any person shall bribe, or offer to bribe any clerk, or deputy clerk, of any court of record, to induce such officer to alter, destroy or mutilate any book, record, or paper, pertaining to his office, or to surrender to the person offending any book, record, or paper, for any unlawful purpose, he shall be punished by imprisonment in the Penitentiary, for a term not less than two nor more than five years; and the officer accepting such bribe shall be punished in the same manner.

Article 305 shall hereafter read as follows:

If any clerk, or deputy clerk, of any court of record in this State, shall accept a bribe offered for the purposes enumerated in the preceding Article, he shall be punished by imprisonment in the Penitentiary, for a term not less than two nor more than five years.

Article 306 shall hereafter read as follows:

If any person shall bribe, or offer to bribe, any officer named in Article 304, to do any other act not enumerated in said Article, in violation of the duties of his office, or to omit to do any other act incumbent on him as an officer, he shall be pun-

ished by imprisonment in the Penitentiary, not less than two nor more than five years.

Article 307 shall hereafter read as follows:

If any person shall bribe, or offer to bribe, any sheriff or other peace officer, to permit any prisoner in his custody to escape, he shall be punished by imprisonment in the Penitentiary, for a term not less than two nor more than five years.

Article 308 shall hereafter read as follows:

If any person shall bribe, or offer to bribe, any sheriff, or other peace officer, in any case, civil or criminal, to make a false return upon any process directed to him, or to fail to return any such process, or to summon, or fail to summon, any one to serve on a jury, with a view to produce a result favorable to a particular side, in any cause, civil or criminal, he shall be punished by confinement in the Penitentiary, not less than two nor more than five years.

Article 309 shall hereafter read as follows:

If any person shall bribe, or offer to bribe, a sheriff, or any other peace officer, to do any other act not heretofore enumerated, contrary to his duty as an officer, or to omit to do any duty incumbent upon him as an officer, he shall be punished by confinement in the Penitentiary, not less than two nor more than five years.

### CHAPTER 3.

#### Offences relating to the arrest and custody of Prisoners.

Article 321 shall hereafter read as follows:

If any person shall convey into any jail, any disguise, instrument, arms, or any other thing useful to aid any prisoner in escaping, with intent to facilitate the escape of a prisoner lawfully detained in such jail, on an accusation of felony, or shall, in any other manner calculated to effect the object, aid in the escape of a prisoner legally confined in jail, he shall be punished by imprisonment in the Penitentiary, not less than two nor more than five years.

Article 325 shall hereafter read as follows:

If any person shall wilfully aid in the escape of a prisoner from the custody of an officer by whom he is legally held in custody on an accusation for a felony, by doing any act calculated to effect that object, he shall be punished by imprison-

ment in the Penitentiary, not less than two nor more than seven years; and if, in aiding in the escape, he shall make use of arms, he shall be punished by imprisonment in the Penitentiary, for a term not less than two nor more than ten years.

Article 331 shall hereafter read as follows:

If any person shall wilfully oppose and resist an officer in executing, or attempting to execute any lawful warrant for the arrest of another person, in a case of felony, he shall be punished by confinement in the Penitentiary, for a term not less than two nor more than five years; and if arms be used in such resistance, he shall be punished by imprisonment in the Penitentiary, not less than two nor more than seven years.

Article 339a. If any person, being called on by a magistrate, or peace officer, shall fail or refuse to aid such officer in any matter in which by law he may be rightfully called on to aid or assist, in the execution of a duty incumbent upon such magistrate, or peace officer, he shall be punished by fine not exceeding one hundred dollars.

### TITLE 3.

### CHAPTER 4.

#### False Certificates—authentication or entry by an Officer.

Article 347 shall hereafter read as follows:

If any officer authorized by law to take depositions, or administer oaths, in this State, shall falsely certify that any deposition was sworn to before him, or any oath made, or shall with fraudulent intent place his certificate, signature, or seal, to any affidavit which is drawn with blanks as to any matter of substance, he shall be punished by imprisonment in the Penitentiary, for a term not less than two nor more than five years, and shall be dismissed from office. Within the meaning of this Article, shall be included the case of an officer, who with design that the same may be filled up and used for fraudulent purposes, attaches his signature or seal of office to any paper wholly blank.

## CHAPTER 6

## Embezzlements by Officers of Courts.

Article 354a. If any sheriff or other officer, entitled to collect money for a party to a suit, shall without the consent of the party entitled, unlawfully convert the same, or any part thereof, to his own use, collected by him and justly belonging to such party, he shall be punished as provided in Articles 756 and 757.

## CHAPTER 7.

## Unlawfully Dealing in Jury Script and Witness Fees.

Article 354 b. No Clerk or Deputy Clerk, of any District or County Court, Sheriff or his Deputy, Constable or Coroner, or Justice of the Peace, shall hereafter be permitted to purchase, or otherwise acquire from the party interested, any Jury Script or the fees coming to any witness, in any proceeding whatever, before either the District or County Court, or the Court of any Justice of the Peace, or before any Coroner's Inquest; and any officer above mentioned, guilty of such unlawful dealing, shall be punished by fine not exceeding one hundred dollars.

## TITLE 11.

## CHAPTER 2.

## Riots.

Article 372 shall hereafter read as follows:

If any person, by engaging in a riot, shall rescue any person lawfully arrested or imprisoned, for a felony less than capital, he shall be punished by confinement in the Penitentiary, not less than two nor more than seven years.

## TITLE 12.

## CHAPTER 1.

## Unlawful Marriage.

Article 386 shall hereafter read as follows:

If any white person shall, within this State, knowingly marry a negro, or a person of mixed blood, descended from

negro ancestry, to the third generation inclusive, though one ancestor of each generation may have been a white person, or having so married in or out of this State, shall continue within this State to cohabit with such negro, or such descendant of a negro, he or she shall be punished by confinement in the Penitentiary, not less than two nor more than five years.

## CHAPTER 2.

### Of Incest, Adultery and Fornication.

Article 388 shall hereafter read as follows:

All persons who are forbidden to marry by the succeeding Articles, who shall intermarry or carnally know each other, shall be punished by imprisonment in the Penitentiary, not less than two nor more than ten years.

## CHAPTER 2.

Article 392 shall hereafter read as follows:

Every man and woman who shall live together in adultery, or fornication, shall be punished by fine, not less than one hundred nor more than one thousand dollars.

Article 395a. Every white person who shall live in adultery or fornication with a negro, or a person of mixed blood, descended from negro ancestry, to the third generation inclusive, though one ancestor of each generation may have been a white person, shall be punished by fine, of not less than one hundred nor more than one thousand dollars.

## CHAPTER 3.

### Of Disorderly Houses.

Article 396 shall hereafter read as follows:

A disorderly house is one kept for the purpose of public prostitution, or as a common resort for prostitutes, vagabonds, free negroes, or slaves.

Article 398 shall hereafter read as follows:

Any person, who shall keep a disorderly house, as defined above, shall be punished by fine, not less than one hundred nor more than five hundred dollars.



## CHAPTER 5.

## Disturbance of Graves and Dead Bodies.

Article 399a. If any person shall wrongfully destroy, mutilate, deface, injure, or remove any tomb, monument, grave stone, or other structure in any place used or intended for the burial of the dead, or any fence, railing, or curb, for the protection of such structure, or any enclosure for any such place of burial, or shall wrongfully injure, cut, remove, or destroy any tree or shrub growing within any such enclosure, he shall be punished by imprisonment in Jail, not exceeding six months, or by fine not exceeding five hundred dollars.

Article 399b. If any person not authorized by law, or by a relative or friend, for the purpose of re-interment, shall disinter, remove, or carry away any human body, or the remains thereof, or shall conceal the same, knowing it to be so illegally disinterred, he shall be punished by fine, not exceeding two thousand dollars.

## TITLE 13.

## CHAPTER 1.

## Illegal Banking and passing spurious money.

Article 403 shall hereafter read as follows:

If any person shall fraudulently pass or transfer, or offer to pass or transfer, any paper purporting to be bank paper, and to be issued by any bank which having once existed, has since broken, or the money of the same become valueless, he shall be punished by confinement in the Penitentiary, not less than two nor more than five years.

## CHAPTER 4.

## Gaming.

Article 420a. The Grand Juries, Justices of the Peace, Mayors and Recorders, having jurisdiction of violations of the provisions of the preceding Articles, are empowered to send for persons, and compel their attendance as witnesses to give evidence of a violation of any of the provisions of the foregoing Articles; and any such person so made a witness,

shall be exempt from liability for any violation of said Articles of this Code, of which he is compelled to give evidence.

## CHAPTER 5.

### Betting on Elections.

Article 421 shall hereafter read as follows:

If any person shall, whether before or after the happening of any public election, held within this State, wager or bet in any manner whatever upon the result of any such election, he shall be fined, not less than twenty-five nor more than one thousand dollars.

## CHAPTER 6.

### Neglect by Officers to arrest or prosecute in Gaming Cases.

Article 423a. If any Justice of the Peace, Mayor, or Recorder, shall know the fact that an offence against the Gaming Laws has been committed by any person, and shall fail or neglect to cause such person to be arrested and prosecuted for the same, he shall be punished by fine, not less than twenty-five nor more than one hundred dollars.

Article 423b. If any peace officer shall know that any person has committed an offence against the Gaming Laws, and shall neglect or fail to give information thereof to some Justice of the Peace, Mayor, or Recorder, having jurisdiction to try such offence, he shall be punished by fine, not less than twenty-five nor more than one hundred dollars.

Article 423c. By the term offence against the Gaming Laws, as used in the two preceding Articles, is meant any offence included within the provisions of Title 13, Chapter 4, of the Penal Code.

## CHAPTER 7.

### Retailing Liquor without License.

Article 423d. If any person or firm, shall sell, or be in any way concerned in selling, spirituous, vinous, or other intoxicating liquors, in quantities less than one quart, without first having obtained license therefor in the manner prescribed by "An act to authorize the County Courts of this State to grant license for the retail of spirituous, vinous, and other

intoxicating liquors, in quantities less than one quart, and imposing a license tax for such privilege," approved 2d February 1856, or in violation of any other law hereafter passed, regulating licenses for the sale of liquor, or shall violate any other provision of said act of 2d February, 1856, such person, or firm, shall be punished by fine, not less than fifty nor more than two hundred and fifty dollars.

Article. 423e. If any person, or firm, shall sell, or be in any way concerned in selling spirituous, vinous, or other intoxicating liquors, in quantities of a quart or more, and shall permit the same to be drank at the place, or establishment where sold, or at any other place provided by said person or firm for that purpose, he shall be punished as provided in the preceding Article.

Article 423f. Where persons are jointly indicted, or otherwise prosecuted for selling liquor in violation of law, or for any other offence against said act of 2d February, 1856, it shall be sufficient to show by general reputation, that they are understood to be members of the firm.

Article 423g. Any one member of a firm may be separately prosecuted for the offence of selling liquor in violation of the law, or for any other offence against said act of 2d February, 1856, unless it be shown by evidence, and under a special plea that the defendant was notoriously in partnership with some other person, and that such other person was, at the time of commencing the prosecution, a resident of the county where the same is instituted.

Article 423h. Where any establishment for the sale of liquor is conducted without the name of the owner being known, any and all persons who may be found selling liquor in such establishment, in violation of law, shall be subject to prosecution as separate offenders.

Article 423i. When a firm is prosecuted for a violation of the law relating to the sale of liquor, the fine shall be assessed against the parties jointly, but each defendant shall be liable for the whole amount; and in cases of prosecution against a firm, if all the defendants be not arrested, a verdict and judgment for the full amount of the fine may be rendered against any one or more who may be tried.

Article 423k. Each separate act of selling shall constitute a separate offence under the six preceding Articles.

Article 423l. No fines, forfeitures, or penalties, which have accrued, and no prosecution which is pending for unlaw-

fully selling liquor, shall be affected by the provisions of the seven preceding Articles, nor shall the provisions of this act affect any other sections, or parts of the act of 2d February, 1856, above recited, except the fifth and sixth sections of the same.

## CHAPTER 8.

### Peddling without License.

Article 423m. If any person shall, without first obtaining license therefor, pursue the occupation of a peddler, he shall be punished by a fine of fifty dollars; and prosecutions under this article, may be instituted before any Justice of the county where the offense is committed.

## TITLE 16.

### CHAPTER 1.

#### Of Forgery, and other offences affecting Written Instruments.

Article 445 shall hereafter read as follows:

Article 445. If any person shall knowingly have in his possession any instrument of writing, the making of which is by law an offense, with intent to use or pass the same as true, he shall be punished by confinement in the Penitentiary, not less than two nor more than five years.

### CHAPTER 2.

#### Of Counterfeiting and diminishing the value of the current Coin.

Chapter 2. Article 457 shall hereafter read as follows:

If any person shall, with intent to profit thereby, diminish the weight of any gold or silver coin, and shall afterwards pass it for the value it would have had before it was so diminished, or send it to any place, whether in the State or out of it, with the intent that the same may be passed, he shall be punished by imprisonment in the Penitentiary, not less than two nor more than five years.

## CHAPTER 3.

## Of offences which affect Foreign Commerce.

Chapter 3. Article 463 shall hereafter read as follows:

If any person shall with intent to deceive and defraud, conceal within any hogshead, cask, barrel, box, bale, keg or package, containing merchandize or other commodity, any merchandize or commodity of a quality inferior to that with which such hogshead, cask, barrel, bale, keg or package, is apparently filled, or any substance of less value, he shall be fined not exceeding five hundred dollars.

## Miscellaneous Offences.

Chapter 6. Article 474 shall hereafter read as follows:

If any person with intent to defraud, shall make or cause to be made, any false entry in any book kept as a book of accounts; or shall, with like intent, alter or cause to be altered, any item of an account kept or entered in such book, he shall be fined, not less than one hundred dollars nor more than one thousand dollars, or be punished by confinement in the Penitentiary, not less than two nor more than five years.

## TITLE 17.

## CHAPTER 2.

## Of aggravated Assaults and Batteries.

Article 488 shall hereafter read as follows:

An assault or battery becomes aggravated when committed under any of the following circumstances:

1. When committed upon an officer in the lawful discharge of the duties of his office, if it was known or declared to the offender that the person assaulted was an officer discharging an official duty.
2. When committed in a court of justice, or in any place of religious worship, or in any place where persons are assembled for the purpose of innocent amusement.
3. Where the person committing the offence goes into the house of a private family, and is there guilty of an assault and battery.
4. When committed by a person of robust health, or strength, upon one who is aged or decrepid.

5. When committed by an adult male upon the person of a female, or child, or by an adult female upon the person of a child.

6. When the instrument or means used is such as inflicts disgrace upon the person assaulted, as an assault or battery with a whip or cowhide.

7. When a serious bodily injury is inflicted upon the person assaulted.

8. When committed with deadly weapons, under circumstances not amounting to an intent to murder or maim.

9. When committed with premeditated design, and by the use of means calculated to inflict great bodily injury.

**Of Assaults with intent to commit Murder, Rape, Robbery or other Crime.**

Chapter 3. Article 492 shall hereafter read as follows:

If any person shall assault another with intent to commit the offence of maiming, he shall be punished by fine, not exceeding one thousand dollars, or by imprisonment in the Penitentiary, not less than two nor more than five years.

Article 495 shall hereafter read as follows:

If any person shall assault another with intent to commit the offense of robbery, he shall be punished by confinement in the Penitentiary, not less than two nor more than five years.

Article 496 shall hereafter read as follows:

If any person in attempting to commit burglary shall assault another, he shall be punished by confinement in the Penitentiary, not less than two nor more than five years.

**Of Maiming, Disfiguring and Castration.**

Chapter 4. Article 504 shall hereafter read as follows:

If any person shall disfigure another, he shall be punished by confinement in the Penitentiary, not less than two nor more than five years, or by fine not exceeding two thousand dollars.

**Of false imprisonment, kidnapping and abduction.**

Chapter 5. Article 515 shall hereafter read as follows:

When any person is falsely imprisoned for the purpose of being removed from the State, or for the purpose of being sold, or detained as a slave, (the person being free,) or if a mi-

nor under the age of seventeen years, for the purpose of being concealed, or taken from the lawful possession of a parent, or guardian, such false imprisonment is kidnapping. If the person kidnapped be under the age of fifteen years, it is not necessary that there should be force to constitute the offence.

Article 521 shall hereafter read as follows:

Any person who shall be guilty of abduction shall be punished by fine not exceeding two thousand dollars. If by reason of such abduction, a woman be forced into marriage, the punishment shall be confinement in the Penitentiary, not less than two nor more than five years; and if by reason of such abduction a woman be prostituted, the punishment shall be confinement in the Penitentiary, not less than three nor more than ten years.

#### CHAPTER 7.

##### Of Abortion.

Article 553 shall hereafter read as follows:

If the means used shall fail to produce an abortion, the offender is nevertheless guilty of an attempt to produce abortion, provided it be shown that such means were calculated to produce that result, and shall be punished by fine not less than one hundred nor more than one thousand dollars.

#### CHAPTER 8.

##### Of administering poisons and injurious potions.

Article 538 shall hereafter read as follows:

If any person shall, with intent to injure, cause another person to inhale, or swallow any substance injurious to health, or any of the functions of the body, or if such substance was administered with intent to kill, he shall be punished by confinement in the Penitentiary, not less than two nor more than five years.

#### CHAPTER 13.

##### Of Manslaughter.

Article 599a. When it is sought to reduce the homicide to the grade of manslaughter, by reason of the existence of the

circumstances specified in the fourth sub-division of Article 599 of the Penal Code, it must appear that the killing took place immediately upon the happening of the insulting conduct, or the uttering of the insulting words, or so soon thereafter as the party killing may meet with the person killed, after having been informed of such insults.

Article 599b. In every case where the defense spoken of in the preceding Article is relied on, it shall be competent to prove the general character of the female insulted, in order to ascertain the extent of the provocation.

Article 599c. The jury shall be at liberty to determine in every case, whether, under all the circumstances, the insulting words or gestures were the real cause which provoked the killing.

Article 599d. Any female under the permanent or temporary protection of the accused, at the time of killing, shall also be included with the meaning of the term relation.

#### CHAPTER 13—SECTION 2.

Article 602 shall hereafter read as follows:

Manslaughter is of various degrees of culpability, according to the circumstances under which it was committed. It shall be punished by imprisonment in the Penitentiary, not less than two nor more than five years.

#### CHAPTER 15.

##### Of Murder.

Article 607 shall hereafter read as follows:

Every person with a sound memory and discretion, who shall unlawfully kill any reasonable creature in being within this State, with malice aforethought, either express or implied, shall be deemed guilty of murder. Murder is distinguishable from every other species of homicide by the absence of the circumstances which reduce the offence to negligent homicide or manslaughter, or which excuse or justify the homicide.

Article 608 shall hereafter read as follows:

All murder committed by poison, starving, torture, or with express malice, or committed in the perpetration, or in the attempt at the perpetration of arson, rape, robbery, or burglary, is murder in the first degree, and all murder not of the first degree, is murder of the second degree.



Article 609 shall hereafter read as follows:

If the jury shall find any person guilty of murder, they shall also find by their verdict whether it is of the first or second degree; and if any person shall plead guilty to an indictment for murder, a jury shall be summoned to find of what degree of murder he is guilty, and in either case, if they shall find the offence of murder to be of the second degree, they shall also find the punishment.

Article 612 shall hereafter read as follows:

Where a defendant accused of murder, seeks to justify himself on the ground of threats against his own life, he may be permitted to introduce evidence of the threats made, but the same shall not be regarded as affording a justification for the offence, unless it be shown that at the time of the homicide, the person killed by some act then done, manifested an intention to execute the threat so made. In every instance where proof of threats has been made, it shall be competent to introduce evidence of the general character of the deceased. Such evidence shall extend only to an inquiry as to whether the deceased was a man of violent or dangerous character, or a man of kind and inoffensive disposition; or whether he was such a person as might reasonably be expected to execute a threat made.

## SECTION 2.

Article 612a. shall hereafter read as follows:

The punishment of murder in the first degree shall be death, and the punishment of murder in the second degree shall be confinement in the Penitentiary for not less than five years.

## TITLE 19.

### CHAPTER 1.

#### Exciting insurrection or insubordination.

Article 650 shall hereafter read as follows:

Any person who shall aid in any insurrection of slaves against the free inhabitants of this State, who shall join in any secret assembly of slaves in which such insurrection shall be planned, with design to promote it, or shall excite or persuade any slaves to attempt any such insurrection shall be

punished by confinement in the Penitentiary, not less than ten years or for life.

Article 651 shall hereafter read as follows:

By "insurrection of slaves" is meant an assemblage of three or more, with arms, with intent to obtain their liberty by force.

Article 652 shall hereafter read as follows:

The term excite, as here used, means to offer any persuasion, or inducement, which has insurrection for its immediate object.

Article 653 shall hereafter read as follows:

Any person who shall by words, or writing addressed to a slave, endeavor to render such slave discontented with his state of slavery, shall be punished by confinement in the Penitentiary, not less than five years nor more than fifteen years.

## CHAPTER 2.

### Illegal transportation of Slaves.

Article 654 shall hereafter read as follows:

The master, or any other officer, or any of the crew, of any steam-boat or other vessel, who shall carry, or cause to be carried, out of any county, a slave or slaves, without the consent of the owner or employer, with intent to deprive the owner or owners of his or their property in such slave, or slaves, or who shall knowingly receive on board of his vessel any runaway slave, and permit him to remain on board, without proper effort to apprehend him, shall be confined in the Penitentiary, not less than ten nor more than thirty years.

## CHAPTER 3.

### Stealing or enticing a Slave.

Article 656 shall hereafter read as follows:

Any person who shall attempt to steal, or entice away a slave, the property of another, shall be confined in the Penitentiary, not less than five nor more than fifteen years.

Article 657 shall hereafter read as follows:

The offence of stealing a slave is complete within the meaning of Article 655, by taking the slave into possession, either by his consent or forcibly, and removing him a distance however short, from the possession or premises of his employer or

owner, with the design to claim the ownership of such slave, or otherwise dispose of the same.

Article 660 shall hereafter read as follows:

An attempt to entice away a slave is the use of any means forcible or persuasive, which may be calculated to induce such slave to abandon the service of his master or employer, and accompany the offender, with the view to deprive the owner of his property.

#### CHAPTER 4.

##### Offences respecting Runaway Slaves.

Article 661 shall hereafter read as follows:

If any person advise a slave to leave the service of his master or employer, or aid such slave in so leaving, by procuring for or delivering to him a pass, or other writing, or by furnishing him with money, clothes, provisions, or other facility, and such slave do actually abscond, he shall be confined in the Penitentiary, for not less than three nor more than ten years.

#### CHAPTER 6.

##### Harboring and Concealing.

Article 666 shall hereafter read as follows:

Any person convicted of a second offence, under either of the two preceding articles, shall be punished by confinement in the Penitentiary, not less than three nor more than ten years.

#### CHAPTER 7.

##### Trading with Slaves.

Article 668 shall hereafter read as follows:

If any person who deals in intoxicating liquors, either by wholesale or retail, shall sell to a slave without the written consent of his master, mistress, overseer, or employer, any intoxicating liquors, or shall give to any such slave, and without such written consent, any intoxicating liquors, he shall be fined, not less than fifty nor more than two hundred dollars.

Article 669 shall hereafter read as follows:

If any person shall buy from a slave any valuable produce,

or other article whatever, without the written consent of the master, mistress, overseer, or employer of such slave, he shall be fined not less than twenty nor more than two hundred dollars.

## CHAPTER 8.

### Cruel treatment of Slaves.

Article 670 shall hereafter read as follows:

If any person shall unreasonably abuse, or cruelly treat a slave, whether his own property or the property of another, he shall be fined not less than one hundred nor more than two thousand dollars.

Article 672 shall hereafter read as follows:

It is cruel treatment of a slave to inflict an unusual degree of punishment without just provocation, or to torture or to cause unusual pain and suffering to a slave by the use of any means, or to subject such slave to punishment so severe as to become injurious to his health, or calculated greatly to depreciate his value, or for the person having the charge of any slave to fail to supply him with comfortable clothing, or a sufficient quantity of wholesome food.

## TITLE 20.

## CHAPTER 2.

### Of other wilful burning.

Article 698 shall hereafter read as follows:

If any person shall wilfully burn any building not coming within the description of a house as defined in the preceding chapter; or shall wilfully burn any stack of corn, hay, fodder, grain or flax, or any pile of boards, lumber or wood, the property of another, he shall be punished by confinement in the Penitentiary, not less than two nor more than five years, or by fine not exceeding two thousand dollars.

Article 701 shall hereafter read as follows:

If any person shall wilfully burn any bridge, which by law or usage is a public highway, he shall be punished by imprisonment in the Penitentiary, not less than two nor more than seven years, or by fine not exceeding five thousand dollars.

Article 704 shall hereafter read as follows:

If any person with intent to defraud, shall wilfully burn any personal property owned by himself, which shall be at the time insured against the loss or damage from fire, he shall be punished by confinement in the Penitentiary, not less than two nor more than five years.

### CHAPTER 3.

Of attempts to commit arson or other wilful burning.

Article 708 shall hereafter read as follows:

If any person shall, by any means calculated to effect the object, attempt to commit any of the offences enumerated in the two preceding chapters, he shall receive such punishment as may be assessed by the jury, not to exceed one-half of the penalty which would have been affixed in case the offence attempted had been actually committed; provided, that, when the punishment prescribed is imprisonment in the Penitentiary, in no case shall the lowest term be less than two years.

### CHAPTER 4.

Malicious Mischief.

Article 709 shall hereafter read as follows:

If any person shall wilfully and maliciously cast away, sink or destroy, in any way other than by fire, any vessel or boat, which, together with its cargo, if any, shall be of the value of one hundred dollars or more, he shall be punished by imprisonment in the Penitentiary not less than two nor more than five years, or by fine not exceeding two thousand dollars. If the life of any person is lost by such act, the offender is guilty of murder.

Article 713 shall hereafter read as follows.

If any person shall wilfully kill, maim, wound, poison, or disfigure, any horse, mare, gelding, jack, jennet, mule, colt, cattle, sheep, goat, swine, or dog, of another, with intent to injure the owner thereof, he shall be fined not less than three times the amount of the injury done to the owner by such offence, and not exceeding ten times the amount of the injury.

Article 715 shall hereafter read as follows:

If any person shall wilfully and mischievously remove any buoy, beacon, light, or any other mark or signal, erected for the purpose of indicating the channel in any bay, river, lake, or other navigable water within the State, or shall erect any false buoy, beacon, light, or mark, or signal, to indicate the channel, in any such bay, river, lake, or other navigable water, with intent to mislead or deceive, he shall be punished by confinement in the penitentiary not less than two nor more than five years, or by fine not exceeding two thousand dollars; and if death occurs by reason of such unlawful conduct, the offender is guilty of murder.

#### CHAPTER 5.

##### Of cutting and destroying timber.

Article 718a. Upon the trial of any case coming within the provisions of Article 717, the State may prove the ownership of the land to be in some person other than the defendant, by either of the following modes:

1st. By the copy of a grant duly certified from the General Land Office.

2d. By a deed, or a copy of a deed, or other evidence of title, duly certified, from the office of the Clerk of the County Court of the county where the prosecution is pending.

3d. By a certificate from the Comptroller's office, or from the Assessor and Collector of the county, that some person, other than the defendant, pays taxes on the land.

4th. By verbal testimony of title, or of notorious use and possession of the land by some person other than the defendant; and such proof shall be held sufficient, until contradicted by competent evidence on the part of the defendant, that he is the owner of the land.

#### CHAPTER 6.

##### Of burglary.

Article 730 shall hereafter read as follows:

Where the house entered is a dwelling house, the punishment of burglary shall be imprisonment in the Penitentiary not less than three nor more than ten years. Where the house entered is not a dwelling house, the punishment shall

be confinement in the Penitentiary not less than two nor more than five years.

Article 732 shall hereafter read as follows:

If the burglary consist of the discharge of arms, as specified in Article 726, the punishment shall be confinement in the Penitentiary not less than two nor more than seven years.

Article 734 shall hereafter read as follows:

If a house be entered in such manner as that the entry comes within the definition of burglary, and the person guilty of such burglary shall, after so entering, commit theft or any other offence, he shall be punished for burglary, and also for whatever other offence is so committed.

## CHAPTER 7.

Of offences on board vessels and steamboats.

Article 738 shall hereafter read as follows:

If any person, by any of the means enumerated in Article 724, shall, at night, enter a ship or other sail vessel, or a steamboat, with intent to commit a felony, he shall be punished by confinement in the Penitentiary not less than two nor more than five years.

## CHAPTER 8.

Of Robbery.

Article 744 shall hereafter read as follows:

If any person, by threatening to do some illegal act injurious to the character, person or property of another, shall fraudulently induce the person so threatened to deliver to him any property, with intent to appropriate the same to his own use, he shall be punished by confinement in the Penitentiary not less than two nor more than five years.

## CHAPTER 9—SECTION 1.

Of theft.

Article 745a. If any person shall receive or conceal property, which has been acquired by another in such manner as that the acquisition comes within the meaning of the term

theft, knowing the same to have been so acquired, he shall be punished in the same manner as by law the person stealing the same would be liable to be punished.

Article 753a. If any person shall take and carry away any record book or filed paper from any Clerk's office, public office, or other place where the same may be lawfully deposited, or from the lawful possession of any person whatsoever, with intent to destroy, suppress, alter, or conceal, or in any wise dispose of the same, so as to prevent the lawful use of such record book or filed paper, he shall be deemed guilty of theft, and punished by imprisonment in the Penitentiary not less than three nor more than seven years.

Article 756 shall hereafter read as follows:

Theft of property, of the value of twenty dollars or over, shall be punished by confinement in the Penitentiary for a term not less than two nor more than ten years.

Article 757 shall hereafter read as follows:

Theft of property, under the value of twenty dollars, shall be punished by confinement in the Penitentiary for a term of two years.

Article 759 shall hereafter read as follows:

If property, taken under such circumstances as to constitute theft, be voluntarily returned within a reasonable time, and before any prosecution is commenced therefor, the punishment shall be by fine not exceeding one thousand dollars.

#### SECTION 4.

Article 765 shall hereafter read as follows:

If any person shall steal any horse, gelding, mare, colt, ass, or mule, he shall be punished by confinement in the Penitentiary not less than five nor more than fifteen years.

Article 766 shall hereafter read as follows:

If any person shall steal any neat cattle, sheep, goat, or hog, he shall be punished by confinement in the Penitentiary not less than two nor more than five years.

#### SECTION 5.

Article 768 shall hereafter read as follows:

Every person, who shall alter or deface the mark or brand of any horse, gelding, mare, or colt, mule, ass, or neat cattle, or shall alter or deface the mark of any sheep, goat or hog,



not being his own property, and without the consent of the owner, and with intent to defraud, shall be punished in the same manner as if he had committed a theft of such animal.

## CHAPTER 10.

### Embezzlement of property by private persons.

Article 771 shall hereafter read as follows:

If any officer, agent, or clerk, of any incorporated company, or institution, or of any city, town, or county; or if any clerk, or agent, of any private person or copartnership; or if any consignee or bailee of money or property, shall embezzle, or fraudulently misapply or convert to his own use, without the consent of his principal or employer, any money or property of such principal or employer, or the proceeds of such property after sale, which shall have come to his possession, or shall be under his care by virtue of such office, agency or employment, he shall be punished as prescribed in Articles 756 or 757, according to the amount of, or value of such money or property so embezzled.

Article 771a. If any factor or commission merchant shall embezzle, or fraudulently misapply, or convert to his own use, any money, goods, produce, commodity, or other property, which shall have come into his possession, or shall be under his care by virtue of his office, agency, or employment, he shall be punished as prescribed by Articles 756 or 757, according to the amount of the value of the money, goods, produce, commodity, or other property so embezzled or misapplied.

Article 772 shall hereafter read as follows:

If any carrier, to whom any money, goods, or other property, shall have been delivered, to be carried by him; or if any other person, who shall be entrusted with such property, shall embezzle or fraudulently convert to his own use any such money, goods, or property, either in the mass, as the same were delivered, or otherwise, he shall be deemed guilty of theft, and shall be punished as prescribed by Articles 756 or 757, according to the amount of the value so embezzled or misapplied.

CHAPTER 11.

Fraudulent disposition of mortgaged property.

Article 773 shall hereafter read as follows:

Article 773. If any person has given, or shall hereafter give, any mortgage, deed of trust, or other lien, in writing, upon any personal or movable property, and shall remove the same or any part thereof out of the State, or shall sell, or otherwise dispose of the same, with intent to defraud the person having such lien, either originally or by transfer, he shall be punished by imprisonment in the Penitentiary not less than two nor more than five years.

Article 773a. Swindling is the acquisition of any personal or movable property, money, or instrument of writing conveying or securing a valuable right, by means of some false or deceitful pretence or device, or fraudulent representation, with intent to appropriate the same to the use of the party so acquiring, or of destroying or impairing the rights of the party justly entitled to the same.

Article 773b. Within the meaning of the term swindling are included the following wrongful acts:

1. The exchange of property upon the false pretence that the party is the owner or has the right to dispose of the property in exchange.

2. The purchase of property upon the faith and credit of some other person, upon the false pretence that such other person has given the accused the right to use his name or credit in making the acquisition.

3. The obtaining, by false pretences, the possession of any instrument of writing, certificate, field notes, or other paper relating to lands the property of another, with the intent that thereby the proper owner shall be defeated of a valuable right in such lands.

4. The special enumeration of cases of swindling, above set forth, shall not be understood to exclude any case which, by fair construction of the language, comes within the meaning of the preceding Article.

Article 773c. Within the meaning of money, as used in the two preceding Articles, are included, also, bank bills, or other circulating medium, current as money.

Article 773d. It is not necessary, in order to constitute

the offense of swindling, that any benefit shall accrue to the person guilty of the fraud or deceit, nor that any injury shall result to the persons intended to be defrauded, if it is sufficiently apparent that there was a wilful design to receive benefit or cause an injury.

Article 773e. Where property, money, or other articles of value enumerated in the definition of swindling, are obtained in such manner as to come within the meaning of theft, or some other offence known to the law, the rules herein prescribed, with regard to swindling, shall not be understood to take any such case out of the operation of the law which defines such other offence.

Article 773f. If any executor, administrator or guardian, having charge of any estate, real, personal, or mixed, shall unlawfully and with intent to defraud any heir, legatee, ward or distributee, interested in such estate, convert the same, or any part thereof, to his own use, he shall be deemed guilty of the offence of swindling.

Article 773g. Every person, guilty of swindling, within the meaning of Article 773a, or 773f, shall be punished by confinement in the Penitentiary not less than two nor more than five years.

## CHAPTER 13.

### Estrays.

Article 775a. If any person shall unlawfully remove, sell, or in any other manner dispose of any animal which has been taken up by him as an estray, he shall be punished by fine not exceeding double the value of the property so unlawfully disposed of.

Article 775b. If any person shall, without complying with the laws regulating estrays, take up and use, or otherwise dispose of any animal coming within the meaning of an estray, he shall be punished as prescribed in the preceding Article. If the unlawful taking or disposition of an estray animal be effected in such manner as to come within the meaning of theft, the person guilty of the same shall be punished for that offence.

PART II.

TITLE 21.—CHAPTER 1.

Of Conspiracies.

Article 781 shall hereafter read as follows:

Conspiracy to commit murder, shall be punished by confinement in the Penitentiary, not less than two nor more than ten years. Conspiracy to commit any of the other offences named in the preceding article, shall be punished by one half the punishment affixed by law to the commission of the offence so intended by the parties: Provided, that in no case, the punishment by confinement in the Penitentiary be for less than two years.

CHAPTER 2.

Of threats to commit offences.

Article 784 shall hereafter read as follows.

If any person shall threaten to take the life of a human being, or to inflict upon him any serious bodily injury, he shall be punished by imprisonment in the Penitentiary, not less than two nor more than five years, or by fine not exceeding two thousand dollars.

CHAPTER 3.

Seduction.

Article 788 shall hereafter read as follows:

If any person by promise to marry, shall seduce an unmarried female, under the age of twenty-five years, and shall have carnal knowledge of such female, he shall be punished by imprisonment in the Penitentiary, not less than two nor more than five years, or by fine not exceeding five thousand dollars.

CHAPTER 4.

Issuing Marriage License unlawfully.

Article 791a. If any Clerk of a County Court, or other officer, authorized by law to issue a license of marriage, shall,

without the consent of the parent or guardian of the party applying, issue a marriage license to a male person under the age of twenty-one, or to a female under the age of eighteen years, he shall be punished by a fine of five hundred dollars.

Article 791b. Where both parents of any minor may be alive, the consent of the father alone shall be sufficient to authorize the issuance of license to the minor.

### PART III.

Of offences committed by Slaves and Free persons of color.

#### TITLE 1.

##### General Provisions.

Article 796 shall hereafter read as follows:

An offence committed by a slave or free person of color, is known as a felony. When the punishment therefor is death, all other offences committed by either of these classes of persons are called petty offences.

#### TITLE 2.

Rules applicable to offences against the person when committed by Slaves or Free Persons of color.

Article 802 shall hereafter read as follows:

The offences enumerated in Title 17 of the Second Part of this Code, when committed by slaves or free persons of color, against a free white person, are subject to different rules from such as are prescribed in defining such offences when committed by a free white person, and the guilt or innocence of the accused is to be ascertained by a consideration of the following general principles:

1st. The right of the master to the obedience and submission of his slave, in all lawful things, is perfect, and the power belongs to the master to inflict any punishment upon the slave not affecting life or limb, and not coming within the definition of cruel treatment, or unreasonable abuse, which he may consider necessary for the purpose of keeping him in such submission, and enforcing such submission to his commands; and if, in the exercise of this right, with or without cause, the slave resists and slays his master, it is murder.

2d. The master has not the right to kill his slave, or to maim or dismember him, except in cases mentioned in article 564 of this Code.

3d. A master, in the exercise of his right to perfect obedience on the part of the slave, may correct in moderation, and is the exclusive judge of the necessity of such correction; and resistance by the slave, under such circumstances, if it results in homicide, renders him guilty of murder.

4th. The insolence of a slave will justify a white man in inflicting moderate chastisement, with an ordinary instrument of correction, if done at the time when the insolent language is used, or within a reasonable time after; but it will not authorize an excessive battery, as with a dangerous weapon.

5th. The rules respecting manslaughter, as given in the second part of this Code, apply only to equals, and not to the case of offences by slaves, or free persons of color, against free white persons.

6th. An assault and battery, not inflicting great injury, committed by a free white person upon a slave, will not be a sufficient provocation to mitigate a homicide of the former by the latter, from murder to manslaughter, although it be in a case where the law does not expressly justify such assault and battery.

7th. That amount of personal injury is a legal provocation, of which it can be pronounced, having due regard to the relative condition of the white man and slave, and the obligation of the latter to conform his passions to his condition of inferiority, that it would provoke well disposed slaves into a violent passion, and the existence of such provocation will reduce the homicide to manslaughter.

8th. If a slave, by insolence, provoke chastisement, and then slay the person chastising him, it will be murder.

9th. In the following cases it is lawful for a free white person to inflict chastisement upon a slave by moderate whipping:

1st. If a slave, without the consent of the white person, be found upon his premises at night.

2d. If the slave, against the orders of the white person, be found upon his premises at any time.

3d. If a slave be found using improper language, or guilty of indecent or turbulent conduct in the presence of white persons.

4th. If the slave be guilty of rude or unbecoming conduct in the presence of a free white female.

5th. If a slave use insulting language or gestures towards a white person.

6th. If a slave commit any wilfull act, injurious to the property or person of a free white person, or of any member of his family.

7th. If a slave be found drunk, and making a disturbance in any public place, or upon the premises of a free white person.

### TITLE 3.

Of the punishment of slaves and free persons of color.

### CHAPTER 1.

#### Of Slaves.

Article 812 shall hereafter read as follows:

Slaves are subject to the following punishment—

1. Death.

2. Whipping.

Article 816 shall hereafter read as follows:

Whipping is inflicted upon the bare back, and in all cases the number of lashes shall be fixed by the Jury, Justice, Mayor, or Recorder who try the case; provided the whipping allowed by this article shall not be such as to permanently injure or endanger the life of the slave.

Article 819 shall hereafter read as follows:

The following offences when committed by slaves, shall be punished by death: first, murder; second, insurrection; third, arson; fourth, rape upon a free white woman; fifth, robbery when committed upon a free white person; sixth, assault with intent to commit murder, rape or robbery upon a free white person; seventh, an attempt to commit a rape upon a free white woman; eighth, assault with a deadly weapon upon a free white person.

### CHAPTER 2.

#### Of Free Persons of Color.

Article 822 shall hereafter read as follows:

Free persons of color are subject to the following punish-

ments: 1. Death; 2d. Whipping; 3. Labor upon any public works of a county.

Article 823 shall hereafter read as follows:

All offences which by law may be capitally punished, in the case of a slave, shall be punished capitally, when committed by a free person of color.

Article 824 shall hereafter read as follows:

Aiding in an insurrection of slaves, and kidnapping a free white woman, when committed by a free person of color, shall be punished by death.

Article 829 shall hereafter read as follows:

For all other offences not herein provided for, a free person of color, may be punished by whipping, and by being forced to work upon the roads, or other public works of the county where he is convicted, under the direction of the County Court, for a term not exceeding twelve months.

## SECTION 2.

The following articles and portions of articles of the Penal Code are hereby repealed, to-wit: Articles seventy-seven, seventy-eight, five hundred and ninety-three, five hundred and ninety-five, six hundred and sixteen, eight hundred and fourteen, eight hundred and fifteen, eight hundred and eighteen, eight hundred and twenty, eight hundred and twenty-six, eight hundred and twenty-seven, eight hundred and twenty-eight, and the provisions to article four hundred and eleven, and the seventh sub-division of article eight hundred and two. This act to take effect from and after the first day of July, A. D. 1858.

Approved, February 12, 1858.



## CHAPTER 122.

**An Act to provide for making legal and valid the transcripts of Records of Surveys of Maps taken from Cooke and Denton Land Districts, and now included in Young County District.**

**Section 1.** Be it enacted by the Legislature of the State of Texas: That it is hereby made the duty of the Chief Justices and County Clerks of the counties of Cooke and Denton, respectively to proceed as early as practicable, after the passage of this act, on the application of the surveyor of Young Land District to examine and compare the transcripts of surveys and maps made out for the use and benefit of the Young county Land District, and when so compared and found to be correct, they shall certify to the same respectively under their hands and the seals of the County Courts aforesaid, and when so certified to, shall be as legal and valid as if they had been certified by the District Surveyors and County Clerks as provided for by existing law.

**Sec. 2.** That it shall be the duty of the surveyors of Cooke and Denton Land District, and they are hereby required to afford every reasonable facility to the Chief Justices and County Clerks aforesaid while engaged in the examination of the records, and maps in their respective offices and that the Chief Justices and County Clerks shall receive for their services three dollars per day each, for as many days as they may necessarily be engaged in examining and comparing the same, to be paid by the county of Young.

**Sec. 3.** That when said transcript and maps shall be certified and delivered to the surveyor of Young county Land District, that the said surveyor shall forward copies of the said maps to the Commissioner of the General Land Office, and when deposited in the General Land Office, it shall be deemed a compliance with the law so far as returning a map to the General Land Office is required from the said District of Young, and that the surveyor of Young land District may then enter upon the duties of his office, he having in all other respects complied with the requisitions of existing laws. And that this act shall take effect and be in force from and after its passage.

Approved February 12, 1858.

CHAPTER 123.

An Act supplemental to an act entitled an act to change the times of holding the District Courts in the Tenth and Fourteenth Judicial Districts.

Section 1. Be it enacted by the Legislature of the State of Texas, That the District Courts of the county of Bee shall be commenced on the sixth Mondays after the first Mondays of April and October of each year, and may continue in session to the ends of those weeks respectively; and the Courts in Refugio county shall be commenced on the next Mondays respectively, and may continue in session to the ends of those weeks respectively.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved, February 12th, 1858.

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CHAPTER 124.

An Act to require the Commissioner of the General Land Office to make out transcripts of Field Notes or surveys heretofore made in Milam and Bexar Land Districts, which have been returned to his office, and which surveys are now included in Young Land District, together with sketch maps of such surveys.

Section 1. Be it enacted by the Legislature of the State of Texas. That the Commissioner of the General Land Office, be, and he is hereby required to have made out transcripts of the field notes of all surveys heretofore made in Milam and Bexar Land Districts, which have been returned to his office, and which surveys are now included in Young Land District, together with sketch maps of such surveys, and that upon application for the transcripts and sketch maps by the District Surveyor of Young Land District, or his order, that it shall be the duty of the Commissioner of the General Land Office, to deliver the same upon payment of the usual fees for a like amount of labor.

Sec. 2. That when the said transcripts of field notes and sketch maps are so made out and certified to by the Commissioner of the General Land Office and delivered to the District Surveyor of Young Land District, and shall be recorded by said Surveyor or such other person as may be employed by the County Court of Young county to record the same, in the records of transcripts of said land district, shall be as legal and valid as if the said transcripts had been made out from the records of the Land Districts in which they were returned and recorded, and that the sketch maps as made out in the General Land Office and furnished to the Surveyor as aforesaid, and shall be entered upon the map of Young Land District shall be deemed a compliance with existing law so far as is embraced in said sketch maps of Milam and Bexar Land Districts.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved February 12, 1858.

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## CHAPTER 125.

An Act to be entitled an Act to create Chambers County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the territory within the following limits, beginning at the east corner of Galveston county, on the Gulf of Mexico, thence following the southern and western boundary of Liberty, to the mouth of Cedar Bayou, thence up said Bayou to a point from which a line running due east will cross the Trinity river fifteen miles below the court-house of Liberty county; thence due east to a point four miles east of the boundary line between the counties of Liberty and Jefferson; thence due South to the Gulf of Mexico; thence westward along the shore of said Gulf to the beginning, shall constitute a new county, to be called Chambers county, in honor of General T. J. Chambers.

Sec. 2. That the Chief Justice of Liberty county shall organize said new county, and for that purpose he shall order and hold an election in said county, after giving ten days notice according to law, for all county officers, and a seat of

justice, which shall be held according to the general laws regulating elections, and he shall duly issue certificates to all persons elected, and administer to them the constitutional oath of office. And the place receiving a majority of all the votes shall be the county seat; and as soon as said county may be organized, he shall make out and file for record in the office of the Clerk of the County Court a full return of said elections, which shall be recorded by said Clerk. And this act shall take effect from and after its passage.

Passed February 12, 1858.

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#### CHAPTER 126.

An Act better to define the Boundaries of Chambers County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following shall be the boundaries of Chambers county, beginning on the Gulf of Mexico, at the east boundary of Galveston county, thence along the northern and eastern boundaries of Galveston and Harris counties to the mouth of Cedar Bayou; thence up said bayou to a point from which a line due east will cross the Trinity river, twelve miles below the Court House of Liberty county, thence due east to a point five miles east of the boundary line between the counties of Liberty and Jefferson, thence due south to the Gulf of Mexico, and thence along the Gulf shore to the beginning. And this act shall take effect from and after its passage.

Approved February 11, 1858.

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#### CHAPTER 127.

An Act to authorize the Sale of the Public Domain.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Commissioner of the General Land Office

is authorized to issue land scrip in certificates of not less than one hundred and sixty acres, (except in the cases hereinafter provided,) which certificates may be sold at the price of one dollar per acre, shall issue in the name of the purchaser, and may be located upon any vacant unappropriated public domain, not being set apart, held in reservation, or the location of which is prohibited by law.

Sec. 2. That the alternate sections of land surveyed and reserved to the State, under the provisions of the laws to encourage the construction of Railroads by donations of land, and the act granting land to the Galveston and Brazos navigation company, and the islands heretofore reserved, and all other reserved sections may be sold at one dollar and twenty-five cents per acre, except the alternate sections reserved to the State by the Memphis, El Paso and Pacific Railroad Charter, which alternate sections shall not be sold for a less price than two dollars per acre.

Sec. 3. Any person desiring to purchase the land scrip issued under the first section of this act, shall make application to the Commissioner of the General Land Office, for the certificate or certificates which he desires to purchase, and thereupon the Commissioner of the General Land Office, shall deliver to him an order to the Treasurer of the State, directing the Treasurer to receive from him the price of said certificate, stating the name of the purchaser, the number of the certificate, and the quantity of land for which it is to issue, and the Treasurer, upon payment of the price, shall give to the purchaser a receipt in like manner specifying the purchaser's name, and the quantity and number of the certificate, and upon the presentation of said receipt to the Commissioner of the General Land Office, he shall deliver to the applicant the certificate or certificates so paid for.

Sec. 4. Any person desirous of purchasing one or more sections of the lands mentioned in the second section of this act, shall make application to the Commissioner of the General Land Office, stating the section or sections he desires to purchase, and thereupon the Commissioner of the General Land Office shall give to the applicant an order to the Treasurer of the State, directing him to receive from the applicant the price of the section or sections he desires to purchase, stating the name of the purchaser, and describing the section or sections applied for, by number, and the Treasurer, upon payment of the price, shall give to the purchaser a receipt in

like manner stating the purchaser's name, and describing the land, and upon presentation of said receipt to the Commissioner of the General Land Office, he shall issue to the purchaser a patent or patents for the lands so purchased and paid for.

Sec. 5. When there may be any vacant and unappropriated public domain (not being set apart, held in reservation, or the location of which is prohibited by law,) of less quantity than one hundred and sixty acres of land, which is completely surrounded by previous surveys, any one desiring to purchase the same may apply to the surveyor of the county or district in which the land lies, and cause the same to be surveyed, and the field-notes of such survey shall be recorded in the office of the said surveyor, and returned to the General Land Office; and the person upon whose application the land was surveyed, shall for six months after the making of such survey, have a preference to purchase said land, and the sale of the same shall be made in the same manner as is provided for in the fourth section of this act, for the sale of other surveyed lands, and for one dollar per acre, and patented in the same manner, provided however, that if the person upon whose application the said land is surveyed, and to whom said preference is given, his heirs or assigns, shall fail within the said six months from the time of the survey of said land, to file in the office of the District or county surveyor who surveyed the same a certificate from the Commissioner of the General Land Office, stating that he or they had purchased and paid for the same, then said land shall revert to and become part of the public domain, and be subject to location as other lands.

Sec. 6. That Land Scrip under the provisions of the first section of this act shall be in certificates for one hundred and sixty, three hundred and twenty, six hundred and forty, and twelve hundred and eighty acres, (and no more.)

Sec. 7. That the fourth section of an act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad Reserve, be and the same is hereby repealed. Provided, that scrip heretofore issued, may be located and patented within said Reserve as though said section were in full force.

Sec. 8. That all heads of families who are settled upon or who may hereafter settle upon any vacant public domain, except those lands the sale of which is provided for in the second section of this act, shall have the privilege of purchasing one hundred and sixty acres of land, to include his or her improvement, in preference to all others; and also a

preference to purchase in the same manner, one hundred and sixty acres of land adjoining his or her improvement, for every three slaves owned by such person within the State.

Sec. 9. That any one desiring to obtain the benefits of the preceding section, shall within three months of the passage of this act, or of his or her settlement, file with the District Surveyor the affidavit of him or herself, and that of two credible witnesses, made before any officer authorized to administer oaths in the Land District in which the settlement is made, that he or she is bona fide settled and making improvements upon vacant public domain, the sale of which is contemplated in the first section of this act, and that he or she has not previously had the benefit of said preceding section; and shall at the same time file with said Surveyor a designation of the land sought to be secured; and said settler shall within twelve months, have said land surveyed, his field-notes recorded, returned to the General Land Office, and scrip applied, or the preference herein provided for shall cease, and said land become vacant and subject to location or purchase: Provided, that the sale of any improvement made under the eighth section of this act, shall entitle the purchaser to the same rights possessed by the settler, and none other.

Sec. 10. That all surveys made under the provisions of this act, previous surveys permitting--shall be made in a square, except on navigable water courses, and upon them they shall not front exceeding one-half the square of the survey.

Sec. 11. That all monies received under the provisions of this act, shall be placed with, and constitute a part of the Common School Fund; and this act shall take effect from and after its passage.

Approved, February 11th, 1858.

CHAPTER 128.

An Act to authorize the County Court of Gonzales County and Bell County, to levy an additional tax for the purpose of completing a Court House.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Courts of Gonzales County and Bell County, be, and they are hereby authorized and empowered, to cause to be levied and collected upon all the citizens and taxable property of the said counties a special tax upon the same, amounting to not less than three thousand dollars each year, or as much as may be necessary to finish the Court House buildings of said counties, which shall be assessed and collected as other taxes.

Sec. 2. That said county court shall apply the money so collected, or so much thereof as may be necessary, for the purpose of enabling said county courts to comply with their contracts for building the Court Houses of said counties, and for no other purposes.

Sec. 3. That if two-thirds of the legal voters of Bell county desire an additional tax to be levied in said county, the county court may levy and have collected said additional tax, Provided, the same shall not exceed the State tax, and shall be applied exclusively to the building of a Court House.

Sec. 4. That this act shall continue in force two years from and after its passage, and that this act be in force and take effect from and after its passage.

Approved, February 12, 1858.

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CHAPTER 129.

An Act to prohibit the sale of spirituous or vinous liquors to an Indian of the Choctaw or Chickasaw Territory.

Section 1. Be it enacted by the Legislature of the State of Texas, That all persons are hereby prohibited from selling, bartering or giving spirituous or vinous liquors, to an Indian



of the Choctaw or Chickasaw territory, bordering on the State of Texas.

Sec. 2. That any one violating the provisions of this act, shall upon conviction of such violation be fined not less than fifty, nor more than one hundred dollars.

Sec. 3. That all persons living within the above described limits, who are dealing in spirituous liquors, shall be and are hereby required to give bond in a sum of five hundred dollars with two or more good securities, binding themselves to faithfully carry out the provisions of this act.

Sec. 4. That the Judges of District Courts in that portion of our State, contiguous to the Choctaw and Chickasaw Indians, shall give this Act in charge to the Grand Juries.

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## CHAPTER 130.

An Act to create the County of Blanco, and to adjust the boundaries of Counties affected thereby.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following defined territory be and is hereby created a county to be called Blanco, beginning at the south-west corner of a league of land granted to George Sutherland assignee of J. F. Sanchez, on the Guadalupe river; thence due north to the south line of Gillespie county; thence due east to the south-east corner of Gillespie county; thence due north to the south line of Llano county; thence east with said line to its south-east corner; thence in a direct line to a point on the south-east line of Burnett county four miles south of the Colorado river; thence down said line to the line of Hays county; thence due west to a point north  $28\frac{1}{2}$  degrees east of the north-west corner of Noel Mixon's league; thence in a direct line to said corner of said league; thence in a direct line to where the line of Hay's county crosses the Little Blanco; thence in a direct line to the mouth of Curry's Creek; thence in a direct line to the mouth of Balcones Creek; thence up said Creek and with the line of Kerr county, to a point due south of the beginning; thence due north to the beginning. The county seat thereof shall also be called Blanco.

Sec. 2. That William E. Jones be, and is hereby appointed a Commissioner to organize said county, by ordering an election for county officers at such times and places as he may by legal advertisements designate, and when the returns of the said election shall have been made to the said Jones, he shall issue certificates of election to the persons elected, make return of the same to the State Department, and administer to those elected the oath of office.

Sec. 3. That so soon as elected, qualified and organized, the County Court of said county shall ascertain by a certificate from the Commissioner of the General Land Office, the geographical centre of the same, and order an election for county seat, confining the limits within which the same shall be selected, to points within five miles of the centre; not over three places shall be put in nomination, and the point having a majority of all the votes cast shall be the county seat. Should no place receive a majority of all the votes, a second election shall be ordered between the two points having the largest number of votes, and the place then receiving the highest number shall be the county seat.

Sec. 4. That the boundaries of Comal county shall hereafter be as follows, to wit: beginning at the mouth of Balcones creek, on the Cibolo creek; thence down the Cibolo, with its meanders to the lower line of the N. Micheles league No. 114, being the present corner of said Comal county; thence in a direct line as now existing to the south-west corner of survey No. 21, in the name of John Thompson; thence with the south line of said league north 65° east, to its lower corner on the Guadalupe river; thence north 50° east seven miles: thence north 14° west to the Hays county line; thence with said line to the corner of Blanco county, on the little Blanco Creek; thence with the line of Blanco county to the beginning.

Sec. 5. That the boundaries of Hays county shall hereafter be as follows: beginning at the upper corner of league No. 19, in the name of B. and G. Fulsher, on the San Marcos river; thence with the north-west boundary of said survey, and survey No. 62, in the name of Andrew Mitchell, to said Mitchell's western corner; thence in a straight line to the south-east corner of Comal county as heretofore defined in this act; thence with the line of Comal county north 14° west to the former boundary of Hays county; thence with said boundary north 50° west to the line of Blanco county; thence with said

line in a north-easterly direction to the north-east corner of Hays, and the south-east corner of Blanco; thence with the eastern boundary of Hays south 50° east, to the old San Antonio and Bastrop road; thence with the old boundary line of Hays county to the San Marcos river; thence down the main stream of said river to the beginning.

Sec. 6. And that this Act take effect and be in force from and after its passage.

Approved February 12, 1858.

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#### CHAPTER 131.

An Act to authorize Thomas P. Ochiltree to practice law in the Courts of this State.

Section 1. Be it enacted by the Legislature of the State of Texas, That Thomas P. Ochiltree, a minor under the age of twenty-one years, be, and he is hereby authorized to practice law in all the courts of this State, and for that purpose is hereby relieved from the disabilities arising from his said minority, Provided, that the only object of this law is to remove the disability of minority, and that the said Ochiltree, shall before he is permitted to practice law, obtain a license according to the requirements of the general law upon the subject.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved, February 11, 1858.

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#### CHAPTER 132.

An Act to establish uniform Weights and Measures.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Governor is authorized to procure at the

expense of the State, a set of weights and measures in conformity with the standard now used by the Government of the United States, and to cause the same to be deposited with the Treasurer of the State, which shall be safely kept by him, and shall be the only legal standard of weights and measures within the State.

Sec. 2. The Governor is hereby authorized to cause correct copies of such weights and measures when procured, to be made under such appropriate seal, as he may adopt and to deliver, or cause to be delivered after the inspection and approval of some competent person by him appointed for that purpose, a full set of such weights and measures to the Chief Justices of the several counties, on their application and at the cost and expense of their respective counties.

Sec. 3. The sum of ten thousand dollars or so much thereof as shall be necessary, is hereby appropriated and set apart to pay the expenses of procuring such set of weights and measures and copies thereof, which may be drawn from the Treasury upon the order of the Treasurer.

Sec. 4. When such copies have been made it shall be the duty of the several County Courts of this State to appropriate a sufficient amount of money to enable the Chief Justice of the respective counties to pay for and procure a full set thereof for the use of their counties, and said Chief Justice shall take charge of and keep the same.

Sec. 5. Any person desirous of having his weights and measures tested may have the same done by applying to the Chief Justice, who, if he find them correct shall seal them with a seal to be provided by the County Court for that purpose, on which shall be the capital letter T. and also the letter with which the name of the county begins.

Sec. 6. For testing any steelyard, balance or beam, the Chief Justice shall receive from the applicant a fee of fifty cents, and for every weight or measure ten cents.

Sec. 7. Any person who shall sell by any weight, balance of measure, that does not correspond to and agree with such copies, or who shall keep the same for the purpose of buying or selling, thereby shall forfeit and pay the sum of ten dollars for every month he may continue to keep the same, one half of which shall go to the county in which such offence shall have been committed, and the other to the Chief Justice, and it shall be his duty to sue for the penalty incurred by the commission of every offense.

Sec. 8. If the Chief Justice shall fail to sue for any such penalty within three months after the same shall have been incurred, any other person may sue therefor and recover one half thereof for his own use and the other for the use of the county.

Sec. 9. And that this act shall take effect from and after its passage.

Approved February 13th, 1858.

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#### CHAPTER 133.

An Act to encourage the reclamation of Slaves, escaping beyond the limits of the Slave Territories of the United States.

Section 1. Be it enacted by the Legislature of the State of Texas, That any person or persons capturing, or causing the capture of any slave or slaves who may have escaped beyond the limits of the slave territory of the United States, and who shall deliver such slave or slaves to the Sheriff of Travis county, shall be entitled to receive from the Treasury of the State thirty-three and one-third per cent on the value of such slave or slaves.

Sec. 2. That any person capturing a slave or slaves, as provided for in the first section of this act, shall after arriving within the limits of this State in the first organized county which he may reach, go before a Judge of the District Court, Chief Justice, Notary Public, or Clerk of the District or County Court, and make proof to the satisfaction of such officer, by at least two witnesses, that the slave or slaves so captured were taken beyond the limits of the slave territory of the United States; whereupon such officer shall certify to the fact of said proof, under his hand and seal, if he have one, and deliver the same to the party so appearing before him. Upon arriving at the city of Austin, in the county of Travis, the captor shall deliver such slave or slaves to the Sheriff of said county, who shall without delay summon two free-holders, citizens of said county, to appraise such slave or slaves under oath, and

he shall append to the certificate of proof, said appraisement together with his certificate that they have been delivered to him and are in his custody, and upon presentation of the same to the Comptroller, that officer shall issue his warrant on the Treasurer, for the amount of said thirty-three and one-third per cent on the appraisement, to be paid out of any money in the Treasury not otherwise appropriated.

Sec. 3. That it shall be the duty of the said Sheriff to advertise such slave or slaves in the official paper of the State for three months, giving therein a full description of the same, the appraised value, and the name of the reputed owner; and should the owner appear and prove his property according to law, he or they shall be entitled to receive the same upon paying of the one-third appraised valuation with interest thereon at the rate of eight per cent per annum, and also five per cent. of the appraised value of said slaves, which five per cent. shall remain in the Treasury as an accumulating fund to be applied to the purposes contemplated by this act, and all other legal charges.

Sec. 4. That should the owner of said slave or slaves fail to prove property, and pay charges prior to the expiration of said three months, it shall be the duty of the Sheriff aforesaid, to advertise such slave or slaves for sale, giving thirty days notice in some newspaper of the city of Austin, and at the expiration of said period shall sell the said slave or slaves at auction to the highest bidder for cash; and after paying all the necessary and legal charges, shall pay the remainder over to the Treasurer who shall reimburse the State for the amount originally paid for their apprehension, and shall retain the remainder subject to the order of the owner or owners of such slaves.

Sec. 5. That it shall not be lawful for any officer of the State to charge more than the legal fees for services or expenses incurred under this act.

Sec. 6. Be it further enacted, That any person capturing a slave as contemplated by the preceding sections of this act, who shall deliver the same to the owner in any portion of this State, shall be entitled to receive the same compensation as if delivered to the Sheriff of Travis county, and shall be entitled to hold possession of such slave or slaves, as security therefor until paid. And that this act take effect after its passage.

Approved February 13, 1858.

## CHAPTER 134.

An Act amendatory of an act entitled "an act regulating Juries," approved 4th May, 1846.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above recited act, shall hereafter read as follows: That the county courts of the several counties of this State, shall provide, and at all times cause to be kept in their respective counties, two jury boxes, numbered one and two; and that said court shall meet on the first Monday in July in each year, when they shall prepare a list of such persons between the ages of twenty-one and sixty years, in their respective counties, as shall be well qualified to serve as jurors, being persons of good moral character, qualified electors in the county under the Constitution, freeholders in the State, or householders in the county, and otherwise qualified as now, or may hereafter be required by law, not including the Governor, Secretary of State, Attorney General, Commissioner of the General Land Office, Clerks in the offices of the various departments of the Government at Austin, State Engineers, Judges, and Clerks of Courts, County Commissioners, and Justices of the Peace, Sheriffs and their deputies, Marshals and their deputies, Constables, Practising Attorneys and Counsellors at law, practising Physicians and Surgeons, Postmasters, Revenue Officers, Ferry-men, Schoolmasters, and Ministers of the Gospel, who shall be privileged from serving, which list shall be copied into a well bound-book, to be kept by the Clerk of the County Court for that purpose; and the Clerk of the County Court shall make out two duly certified copies of said list, immediately after the adjournment of the Court, and file the same, one with the Clerk of the District Court; and deliver one to the Sheriff of the county, the County Court having written the names on said list upon separate tickets, they shall cause them to be placed in the jury boxes, as hereafter provided, which boxes shall be kept by the Clerk. The persons whose names are entered in the jury book and placed in the jury boxes, shall be liable to serve as jurors.

Sec. 2. The second section of the said act shall hereafter read as follows: That the County Court, at the meeting required by the first section of this act, shall, after preparing the new jury list, as they are required to do, compare the same with the names contained in both of the jury boxes, and shall

withdraw from said boxes such names as are not upon the new list; and they shall place in jury box number one, the names upon such new list as were not in either of said boxes.

Sec. 3. The fourth section of said act shall hereafter read as follows: That from jury box number one there shall be drawn by the Clerk of the District Court and the Clerk of the County Court in every county, in the presence of some Justice of the Peace at least thirty days before the first day of the term of the District Court to be held for the county, the names of twenty-four persons to serve as jurors at such term of the District Court, and as they are drawn, the tickets on which their names are written, shall be placed in jury box number two. Every draft shall be made from jury box number one, and the tickets drawn shall be placed in box number two; and whenever the tickets in box number one are exhausted, then the contents of box number two shall be placed in number one; so that the jury service shall be as nearly as possible equalized. If, in making the draft as before required, any name shall be drawn which is in the list of Grand Jurors selected by the County Court, for the same term of the District Court, the ticket so drawn shall be placed in box number two, but the name of such Grand Juror shall not be counted in the list of twenty-four, and another name shall be drawn.

Sec. 4. That the sixth section of the said act shall hereafter read as follows: That the Clerk of the County Court shall enter the names of the twenty-four persons drawn as before required in the jury book, stating the time of the draft and the term of the Court for which it is made and shall together with the Clerk of the District Court, and the Justice of the Peace aforesaid, certify thereto, and in like manner the Clerk of the District Court shall enter the same upon the minutes of the District Court, and with the Clerk of the County Court and Justice of the Peace aforesaid shall certify thereto.

Sec. 5. That the tenth section of said act shall hereafter read as follows: That on the first day of the term of the District Court, or as soon thereafter as the Court may direct, the Sheriff, or other officer in attendance upon the Court, shall call the names of the Jurors returned upon the venire; and thereupon the Court shall organise one or more juries as the business in the opinion of the Court may require. The first twelve persons answering who are not excused, shall constitute petit jury No. 1; the second twelve petit jury No. 2. After the requisite number of persons shall answer to constitute a petit



jury or juries, the following oath shall be administered to the same: "You, and each of you swear, that in all cases between parties, which shall be to you committed, you will give a true verdict therein, according to the law and the evidence given you. So help you God."

Sec. 6. That the twelfth section of said act shall hereafter read as follows: That in case a portion of the jurors returned upon the venire are in attendance upon the Court, but not a sufficient number to constitute a petit jury, or two, should the Court think it necessary, the Court shall have power to order the issuance of a venire facias commanding the Sheriff or other officer to summon a sufficient number of by-standers to supply the deficiency. Provided, no by-stander be summoned unless his name appear upon the list of qualified jurors furnished the Sheriff by the County Court, and of those so summoned, together with the original panel in attendance, the petit jury or juries shall be formed.

Sec. 7. That the thirteenth section of said act be, and the same is hereby repealed.

Approved February 13, 1858.

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## CHAPTER 135.

An Act to legalize Surveys in the disputed territory between Milam and the Bexar Land District and also between Bastrop Milam and Burleson District.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the surveys upon genuine certificates heretofore made in the territory bordering on the supposed line between the Milam and Bexar Land Districts be, and they are hereby made legal and valid, and the Commissioner of the General Land Office be and he is hereby authorized and required to patent all such surveys. Provided, that there is no conflict between surveys made by the surveyors of the said Districts.

Sec. 2. That all the surveys heretofore made upon genuine certificates and warrants in the territory bordering on the division line between Bastrop and Milam Districts, or Bastrop

and Burleson Districts as the case may be, be and they are hereby made legal and valid, and the Commissioner of the General Land Office, be, and he is hereby authorized and required to patent all such surveys, whenever there may be no conflict between surveys made by the surveyors of the said Districts. The field notes of all surveys mentioned in this act shall be recorded in the county in which the land is situated, and nothing in the first section of this act shall be so construed as to affect the rights of any person who owns or possesses any claim to any of the lands therein referred to or any portion thereof.

Sec. 3. That this act take effect from and after its passage.

Approved February 13, 1858.

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## CHAPTER 136.

An Act making appropriation for the support of the Penitentiary for the years 1858, and 1859.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following sums be, and they are hereby appropriated for the use and support of the State Penitentiary for the years 1858 and 1859:

For salary of the Superintendent of the Penitentiary,	
annually . . . . .	\$ 1,200 00
For salary of the Financial Agent . . . . .	1,200 00
For pay of Directors, Physician, and Chaplain . . . . .	1,500 00
For support of the Penitentiary . . . . .	15,000 00

### SUPPORT OF FACTORY.

For salary of Superintendent of Factory . . . . .	\$ 1,000 00
For salary of two overseers, each . . . . .	936 00
For Salary of Engineer . . . . .	1,000 00
For salary of Watchman . . . . .	420 00
For purchasing and putting up additional machinery . . .	18,000 00

Provided that no part of the same shall be expended in the State of Massachusetts, nor for machinery manufactured in said State.

For the purchase of cotton, annually.....	\$27,000 00
For the purchase of wool.....	27,600 00
For the purchase of Starch for sizing.....	1,500 00
For the purchase of oil for machinery.....	1,000 00
For 1400 gallons of Oil for greasing wool.....	1,820 00
For soap for washing wool.....	300 00
For 1350 cords of wood, delivered.....	4,050 00
For contingent expenses.....	1,000 00

All of the above appropriations shall be paid out of the proceeds of the sales of the articles made or manufactured in the Penitentiary. And that this act take effect from its passage.

Approved February 13, 1858.

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## CHAPTER 137.

An Act supplementary to an act supplementary and amendatory of an act to ascertain the legal claims for money and land against the State, passed August 1, 1856, approved January 16, 1858.

Section 1. Be it enacted by the Legislature of the State of Texas, That any person entitled to bounty or donation lands for military services under the laws of the Republic and State of Texas, who has not heretofore received a certificate, warrant or patent therefor, or who may have lost such warrant, and on application for a duplicate, cannot prove the existence of the original by any other than his own oath, or the heirs of such person, if he be dead, may apply to the Commissioner of claims, and establish their rights to the same, by proof such as would have authorized the issue of a certificate or duplicate warrant in such case by any officer of the Republic or State of Texas, under the laws in force prior to the first day of November, 1853, and by proof of his or their identity and residence by two credible witnesses, examined before said Commissioner, or before some officer authorized to take depositions. Provided, no duplicate bounty or donation warrant shall be issued unless the existence of the corresponding original be established to the satisfaction of the Commissioner, by re-

cord proof or the evidence at least two credible witnesses.—But the certificate or warrant in such case shall not issue until after the first day of September, 1858, nor shall the provisions of this act apply to the claims of the heirs of those who fell with Fannin, Ward, Travis, Grant and Johnson, in 1835 and 1836, which are otherwise provided for, nor shall any warrant or certificate issue to an assignee.

Sec. 2. That all applications for bounty or donation land not filed with the Commissioner of Claims on or before the first day of September, 1858, shall be forever barred.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved February 13, 1858.

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#### CHAPTER 138.

An Act to provide for the payment of three Companies of Minute Men, commanded by Captain John W. Sansom, John H. Davenport, and Reading W. Black.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of four thousand dollars, or so much thereof as is necessary, be, and the same is hereby appropriated out of any money in the Treasury of the State not otherwise appropriated, for the payment of the companies of minute men commanded by Captains John W. Sansom, John D. Davenport, and Reading W. Black, for service rendered on the frontier during the year 1856.

Sec. 2. That the officers of said companies shall be entitled to one dollar and fifty cents per day for each and every day they actually served as officers of said minute companies, and that the non-commissioned officers and privates of said companies shall be entitled to one dollar per day for each day they actually served as minute men as aforesaid, and that the sums of one dollar and fifty cents to officers, and one dollar to privates per day, shall include all the pay and allowances due them for said services.

Sec. 3. That the company of Captain John W. Sansom, shall be paid upon the roll returned by him to the Governor;

and that the company of Captain John Davenport shall be paid upon his making due return of rolls of his company properly authenticated to the satisfaction of the Governor; setting forth the number of days actually served by each member of said company. Provided, that no member of said Company shall be entitled to pay for more than ninety days; and that the company of Captain Reading W. Black, shall be paid upon his making due returns of the rolls of his company, properly authenticated to the satisfaction of the Governor, setting forth the number of days actually served by each member of said company. Provided, that no member of said company shall be entitled to pay for more than sixty days.

Sec. 4. That the Governor may appoint some suitable person to pay said companies at such times and places as he may designate; and that said paymaster so appointed, shall be entitled to the sum of one hundred dollars as compensation in full for his services and expenses in making said payments; and that he shall be required to give bond with approved security, in the sum of eight thousand dollars for the faithful performance of his duties under this act.

Sec. 5. That the Treasurer shall pay over upon the order of the Governor, to the person appointed as paymaster under the provisions of the fourth section of this act, any amount of money not exceeding four thousand dollars out of any money in the Treasury not otherwise appropriated. And that this act shall take effect from its passage.

Approved February 13, 1858.

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#### CHAPTER 139.

##### **An Act to exempt Ferry Boats from execution or other Forced Sales.**

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be reserved to every ferryman in the State, free and independent of any writ of fieri facias, or other forced sale, one ferryboat, keel or flat boat, used as a ferry boat not to exceed in value five hundred dollars: Provided, such boats shall always be liable to sale for any damage

sustained by the negligence or other improper conduct upon the part of such ferryman.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved February 13, 1858.

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CHAPTER 140.

An Act to authorize and require the Commissioner of Claims to issue certain Headright Certificates therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of Claims be, and he is hereby authorized and required to issue the following headright certificates to the persons hereinafter named, that is to say: to the heirs of William Barlow, a certificate for one-third of a league; to William Y. Allen, a certificate for three hundred and twenty acres; to the heirs of George Gazley a certificate for twelve hundred and eighty acres; to the heirs of Jacob Rinard an unconditional certificate for six hundred and forty acres; to Alexander Murchison a certificate for six hundred and forty acres; to Samuel Harris, a certificate for six hundred and forty acres; to the heirs of John Lockhart for three hundred and twenty acres, augmentation; to John W. Harris a certificate for three hundred and twenty acres; to the heirs of William A. Moore a certificate for one-third of a league; to the heirs of Leonard Burns a certificate for six hundred and forty acres; to Marcus L. Fulton a certificate for three hundred and sixty-nine acres, augmentation; to Thomas B. and James Howard each, a certificate for three hundred and twenty acres; Juan Delgado a certificate for one league and one labor; to the heirs of John Bradley a certificate for six hundred and forty acres; to Morgan L. Smith a certificate for six hundred and forty acres; to the heirs of Abraham Marshall a certificate for one third of a league; to Henry Harruff a certificate for three hundred and twenty acres; to Joshua Fulcher a certificate for one league; to the heirs of James H. McWharter a certificate, unconditional, for six hundred and forty acres; to Micajah Clark a certificate for three hundred

and twenty acres; to the heirs of Matthew S. Roberts a certificate for one third of a league; to the heirs of Wilhelm Ursuner, a certificate for three hundred and twenty acres; to the heirs of Benjamin A. Campbell a certificate for three hundred and twenty acres; to the heirs of George Dyer a certificate for one third of a league; to John C. Darwin a certificate for six hundred and forty acres; to Hiram Walker a certificate for five millions nine hundred and seventy-three thousand eight hundred and seventy eight square varas, being balance of his headright; to Robert Rose, an unconditional certificate for three hundred and twenty acres; to the heirs of P. J. Wyche a certificate for one third of a league; to the heirs of Z. H. Short a certificate for one third of a league; to Calvin Shipman a certificate for six hundred and forty acres; to the heirs of D. P. Richardson a certificate for six hundred and forty acres; to John M. Louis a certificate for three hundred and twenty acres; to the heirs of James M. Rose, a certificate for one third of a league; to Wiley Barnes a certificate for three hundred and twenty acres; to Alonzo B. Follett a certificate for three hundred and twenty acres, and to the heirs of Thomas A. Howell a certificate for one league and one labor.

Sec. 2. That before the issuance of any of the foregoing certificates, the parties entitled to the same shall procure a certificate under the hand and seal of the Commissioner of the General Land Office stating that such headright certificates have not heretofore been issued, and said certificates when issued may be located, surveyed and patented as all other genuine headright certificates on any of the unlocated public domain of the State, and that this act take effect from and after its passage.

Approved February 13, 1858.

CHAPTER 141.

An Act to provide for the purchase of an additional supply of the Texas Reports.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor be, and he is hereby authorized and required to purchase for the State one hundred additional copies of each number of the Texas reports now issued, or such less number as can be had, and also the like number of copies of each number of said Reports that may hereafter be issued, in addition to those now authorized by law. Provided, such books can be purchased at a price not exceeding four dollars and fifty cents per volume.

Sec. 2. That a sufficient amount of money, out of any money in the Treasury, not otherwise appropriated, is hereby appropriated for the purpose of making the purchase of such copies of said books as have been heretofore issued, and such as may be issued within the next two years. And this act shall take effect and be in force from and after its passage.

Approved February 13, 1858.

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CHAPTER 142.

An Act to authorize and require the Commission of Claims, to issue certain land certificates therein named.

Section 1. Be it enacted by the Legislature of the State Texas, That the Commissioner of Claims be, and he is hereby authorized to issue the following named land certificates; that is to say: To the heirs of Benjamin Thomas, headright for one league and one labor; heirs of Fleming and Nancy Scrutchfield, headright for one league and one labor; heirs of James Baker, an unconditional headright for 640 acres by virtue of certificate (conditional) No. 36, issued by the Board of Land Commissioners of Bastrop county, dated 13th day of April, 1839; heirs of Elizabeth Taylor, headright one league and one labor, less 640 acres; Dugald McLean, headright one third of a league; heirs of John C. Logan,



headright, one third of a league, and 960 acres Bounty and 640 acres, Donation (having been killed at Goliad;) heirs of Stephen Prather, headright, one third of a league; and 960 acres Bounty and 640 acres, Donation (killed at the Alamo;) Josiah Walker, headright, one league and one labor; heirs of William Taylor, headright, one league and one labor; heirs of Abe Luce, Sr., headright for one league and one labor; heirs of John Rouen, an unconditional headright certificate for 640 acres, by virtue of conditional certificate No. 576, issued by the Board of Land Commissioners of Nacogdoches county, dated 28th day of December, 1839; heirs of Benedict Riley, headright 640 acres; David Luce, headright one League and one labor; Anthony Heiman, an unconditional headright certificate for 320 acres, by virtue of conditional certificate No. 781, issued by the Board of Land Commissioners of Galveston county, dated 31st December, 1839; heirs of George C. Briscoe, headright 640 acres; William West, unconditional headright certificate for 320 acres, by virtue of conditional certificate No. 86, issued by the Board of Land Commissioners of Jasper county to William West, dated January, 1840; Joseph Luce, Sr., headright, for one league and one labor; heirs of Benjamin Stoner, headright 640 acres; J. B. Capel, headright for one-third league; Solomon Allbright, augmentation headright, two-thirds of a league and one labor; heirs of John O'Brian, headright, 640 acres; heirs of John McCormick, headright, 320 acres; heirs of Abb Luce, Jr., headright, one league and one labor; heirs of Robert R. Rainey, for headright, one-third of a league; heirs of Carmel Ramon, headright, one league and one labor; Jackson Smith, headright, one league and one labor; Casiano Ramirez, headright 320 acres; E. H. Hatch, unconditional headright certificate for 320 acres, by virtue of conditional certificate No. 40 dated 30th April, 1839, issued to said Hatch by the Board of Land Commissioners of Matagorda county; heirs of Charles P. Heartt, headright, one-third league, 960 acres Bounty and 640 acres Donation, (killed at Goliad;) Clement J. Ward, an unconditional headright certificate for 320 acres by virtue of conditional certificate No. 965, issued 30th December, 1839, by the Board of Land Commissioners of Galveston county to the said Ward; heirs of George Dedrick, for headright, one-third league, 960 acres, Bounty and 640 acres Donation, (killed at Goliad;) Thomas Peck, headright 1280 acres; heirs of Benjamin R. Brigham, augmentation headright 369 acres; heirs of Robert McKim,

headright, one league and one labor; heirs of Reuben Bebee, headright, one league and one labor; George Deister, unconditional headright certificate for 320 acres, by virtue of conditional certificate No. 158, dated 5th December, 1839, issued by the Board of Land Commissioner of Red River county to the said Deister; heirs of Eliza A. Farris, headright, one league and one labor; Pleasant Roland, headright 640 acres; John L. Whitman, headright, one-third league; heirs of William J. Cowan, headright, one-third league; Whitmill Bentley, an unconditional headright certificate for 640 acres, by virtue of conditional certificate No. 1607, issued by the Board of Land Commissioners of San Augustine county, to said Bentley, and doubtless wrongly reported by Traveling Board, in the name of N. Burtley; B. F. Childress, headright 640 acres; heirs of Benjamin C. Wallace, headright one-third league, 960 Bounty and 640 acres Donation, (killed at Goliad;) Addison Sapp, an unconditional headright certificate for 640 acres, by virtue of conditional certificate No. 11 issued to said Sapp, by the Board of Land Commissioners of Jasper county, dated April 18, 1839; W. A. Warner, 1280 acres, Bounty for service in the Army in 1836 and 1837; Joseph Bennett 320 acres Bounty; Charles Brimingham, an unconditional headright certificate for 640 acres, by virtue of conditional certificate No. 145, issued by the Board of Land Commissioners of Houston county to said Brimingham, dated 20th December, 1839; heirs of Alexander G. Perryman, an unconditional headright certificate for 640 acres, by virtue of conditional certificate No. 28, issued by the Board of Land Commissioners of Lamar county, to said Perryman, dated 5th April, 1841; heirs of John H. Moore, 960 acres, Bounty, for service with Col. Fannin; heirs of John Brown (Waco Brown) one labor; heirs of John Bryan, headright, one-third league, and 990 acres Bounty, for Military services and having been killed in the service; heirs of William Doran, 640 acres Bounty for dying in the service. Simeon Saunders, an unconditional headright certificate for 1280 acres by virtue of conditional certificate No. 740, issued in Brazoria county; heirs of A. B. Williams, headright, one-third league; heirs of Thomas Figures 320 acres, Bounty, for military service 1837; Casper Whisler 1280 acres Bounty; Gustavus Bunson 960 acres Bounty for service in 1836; J. B. Barton 320 acres, Bounty, (for services in army 1835 and 1836;) Augustus J. Butts 320 acres Bounty, (service 1836;) heirs of Joseph T. Williams,

320 acres Bounty; Elisha Mather 320 acres Bounty, (service at seige of Bexar;) David Stilts 640 acres Bounty (service 1838;) John C. Campbell 640 acres Bounty, (service 1837;) Stephen Cook, 960 acres Bounty, (service 1836;) Wesley Coale, 1280 acres Bounty, (service 1836;) Daniel Summers 640 acres, Bounty, (service 1836;) heirs of Nathaniel Grigsby 640 acres Donation; Allen Williams headright one league and one labor; Ruben Deck, headright 320 acres; heirs of William F. Maury, unconditional headright certificate for 640 acres, by virtue of conditional certificate No. 690, issued to said Maury by the Board of Land Commissioners of Harrisburg county, dated 19th day of July, 1838; heirs of William G. Wilson, an unconditional headright certificate for 640 acres, by virtue of conditional certificate No. 567 issued to said Wilson by the Board of Land Commissioners of Harrisburg county, dated 29th day of June, 1838; Connell O'Donnell Kelly, headright for one league and one labor; John W. Lockhart, headright for 320 acres; heirs of Martin Moran, headright one-third league, 640 acres Bounty and 640 acres Donation, (service 1835 and 1836;) William Woodward 640 acres, headright; Robert Willoby, headright, 320 acres; Nathaniel Hudson, headright 320 acres; Andrew J. Price, an unconditional headright certificate for 320 acres, by virtue of conditional certificate No. 49, issued to said Price by the Board of Land Commissioners of Red River county, dated, 4th day of July, 1839; P. D. McNeill 320 acres Bounty, (service 1835 and 1836;) Mirabeau B. Lamar, 320 acres Bounty; heirs of Abram Marshall 320 acres, Bounty; heirs of Willis A. Moore, 960 acres, Bounty and 640 acres Donation; heirs of Jefferson A. Barton, 320 acres, Bounty and 640 acres Donation; heirs of George Dyer, 960 acres, Bounty and 640 acres Donation; heirs of Z. H. Shortt, 960 acres Bounty and 640 acres Donation; heirs of James M. Rose, 960 acres, Bounty and 640 acres, Donation; Franklin Simmons, an unconditional headright certificate for 320 acres, by virtue of conditional certificate No. 4, issued by the Board of Land Commissioners of Lamar county, to said Simmons dated, April 4th 1842; Thomas Hanson for Bounty 1280 acres for services in the army in 1836 and 1837; Josiah W. Whipple a headright for 320 acres; heirs of Robert M. Eastland, an unconditional headright certificate or 320 acres, by virtue of conditional certificate No 14, class 4th, issued by the Board of Land Commissioners of Fayette county to said Eastland, dated 4th October

1841; Benjamin Lindsey for Bounty 320 acres, for service in 1836; William P. Rutledge an unconditional headright certificate for 640 acres by virtue of conditional certificate No. 43, issued by the Board of Land Commissioners of Washington county to said Rutledge, dated 20th March, 1839; the heirs of Thomas L. Jones a headright for 320 acres; the heirs of William Woolsey a headright for one league and one labor.

Sec. 2. That none of the Bounty or Donation certificates mentioned in this act, shall be issued before the first day of September 1858, and not then, until after the parties entitled to the same, shall produce to said Commissioner, satisfactory evidence that the certificate or certificates have not heretofore issued and been returned to the General Land Office, and that the party applying is entitled to demand and receive the same; and before the issuance of the headright certificates mentioned in this act, the parties making application for the same, shall in like manner produce satisfactory evidence from the Commissioner of the General Land Office, that such certificates have not heretofore been issued and returned to the General Land Office, and that the party applying is entitled to demand and receive the same.

Sec. 3. That this Act take effect from and after its passage.

Passed, February 13, 1858.

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#### CHAPTER 143.

An Act to prohibit the issuance or delivery of Land Certificates, and the Survey or Patenting of land, to the Galveston, Houston and Henderson Railway Company, until said Company shall have complied with the requirements herein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That no Certificates for land shall be issued or delivered, nor shall any land be surveyed for or patented to the Galveston, Houston and Henderson Railroad Company, by or for the State of Texas, under any law general or special,

for or in consideration of the construction of any part of the road of said Company now completed or hereafter to be completed, until said Company shall have completely constructed and put in good running order that portion of the line of their road commencing at the City of Galveston, in Galveston County, thence crossing the Galveston Bay to the main land at Virginia Point, in such manner as not to obstruct or unreasonably impede the navigation of said Bay, and shall have connected said portion of road in a substantial and proper manner at said Virginia Point, with that part of their road now completed from said Point towards the City of Houston, or until some other person, Company or Corporation shall have completed said portion of road as aforesaid, and said Railroad Company shall have procured the use of the same for the Company.

Sec. 2. That any Land Certificate or Patent issued or Survey made contrary to the provisions of this act, shall be null and void. And this act shall take effect and be in force from and after its passage.

Approved, February 13th, 1858.

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#### CHAPTER 144.

An Act to define the dividing lines between the Counties of Limestone, Navarro and Hill.

Section 1. Be it enacted by the Legislature of the State of Texas, That the dividing line between the Counties of Hill and Navarro shall hereafter be as follows: Beginning on the upper line of Navarro County three miles North-Easterly from its junction with the North-East line of Hill County; thence running South-Easterly parallel with and at the distance of three miles from said line of Hill County the entire length of said line, to a point which shall be the South-West corner of Navarro, the South-East corner of Hill and the North corner of Limestone County; Provided, Hill County shall pay the expense of running and marking said line.

Sec. 2. That the North boundary line of Navarro shall hereafter be as follows: Beginning at the North-West corner of Freestone County; thence in a direct line to the point designated in the preceding section as the mutual corner of the three counties named, thence a line shall be drawn direct to the South-East corner of Hill County as heretofore existing, so as to complete the division between Hill and Limestone counties; and that this act shall take effect from its passage.

Approved February 15, 1858.

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CHAPTER 145.

An Act making provisions for the Translating and Printing of certain general laws into the Spanish, German and Norwegian Languages.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor be, and he is hereby authorized to have such of the general laws of the present Legislature, translated and printed in the Spanish, German and Norwegian languages as he may deem advisable; Provided, the said printing shall be done in Texas.

Sec. 2. That the sum of three thousand dollars is hereby appropriated for the purpose of carrying into effect the first section of this act, out of any money in the State Treasury not otherwise appropriated.

Sec. 3. That after the translating and printing of the laws aforesaid the Governor shall draw his warrant or warrants on the Treasury for the amount thereof, in favor of the person or persons employed to perform said work. And the Treasurer is hereby required to pay such warrants out of the appropriation above mentioned; Provided, that said warrant or warrants shall not exceed the sum of three thousand dollars.

Sec. 4. That this Act take effect from and after its passage.

Approved, February 15, 1858.

## CHAPTER 146.

An Act to incorporate all Military Uniformed Companies now organized, or to be organized in the State.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Galveston Artillery Company, the Washington Light Guards, of the City of Houston, the Alamo Rifles, of the City of San Antonio, the Milam Rifles, of the city of Houston, the Lone Star Military Company, of Galveston, the Turner Rifles, of the City of Houston, the Refugio Riflemen, and all other Uniformed Volunteer Military Companies now organized or that may be hereafter organized in this State, be, and they are hereby constituted bodies politic and corporate, under whatever style and name they may determine, with power to sue and be sued; plead and be impleaded; answer and be answered unto, appear and prosecute unto final judgment, in any court or elsewhere; each to have a common seal with whatever motto and ensign they please, to elect in whatever manner they shall determine the Officers necessary to command them, to ordain and establish by-laws for the government and regulation of their affairs, and the same to alter and amend at will; and to hold real estate and personal property, and to dispose of the same; Provided, however, that the amount of such real estate and personal property shall at no time exceed thirty thousand dollars, and that said company shall never number less than thirty-two, non-commissioned officers and privates, nor exceed one hundred of the same.

Sec. 2. Be it further enacted, That the Members of said Companies shall be exempt from common Militia drills, and Battalion and Regimental reviews.

Sec. 3. Be it further enacted, That said Companies shall have power by their Constitution and By-Laws, to hold courts of investigation, and courts martial upon their own members, to try all violations of their ordinances, agreed upon by the members of the said companies; to suspend, expel and fine, not to exceed one hundred dollars, those infracting the laws established under this Charter.

Sec. 4. Be it further enacted, That all fines imposed by a court martial or accruing under the By-Laws, shall be collected by a warrant issued by the Secretary, and endorsed by the Officers commanding; with the company's seal affixed,

the fine, collected, to belong to the Company imposing them; any Constable, Sheriff, or any City Marshall or their Deputies in the beat where said Company is established is empowered to levy said warrant and coerce the payment under the same law that governs such Officer in the execution of civil process.

Sec. 5. Be it further enacted, That drafts shall never be made from said Companies, but it shall be the privilege of their Corps, to serve in body under their own Officers and only then when the number of common Militia of the Batallion is inadequate to meet the demand by draft; and in that case these Companies will be selected by lot, to supply the deficiency.

Sec. 6. Be it further enacted, That the Officers commanding said Companies shall consist of a Captain, one 1st and two 2nd Lieutenants, to be commissioned by the Governor, subject when ordered on duty, to be trained and governed by the rules and regulations of war as established and ordained by Government.

Sec. 7. Be it further enacted, That when said Company shall be ordered to take the field, they shall be entitled to receive such camp equipage as is usually allowed and furnished the best Corps by the Government.

Sec. 8. Be it further enacted, That all Companies incorporated by this act shall at all times be subject to the Civil Authorities of the State, and to the orders of the Governor of the State, in case their services shall be required.

Sec. 9. Be it further enacted, That the Commanding Officers of all such Companies, shall on the first day of January in each year (or as soon thereafter as such Company is organized,) file in the Office of the County Court, at the County where the Company is established, a full list of all the active resident Officers and members of said Company of that date.

Sec. 10. Be it further enacted, That the Officers of said Companies shall be elected by the members of the same, in the armory of the Company, and the returns of the election made by the 1st Seargent of the Company to the Chief Justice of the County where such Company is established, directed to the Governor of the State, who shall commission said officers, as soon as he shall have received a certificate of election, from the said Chief Justice.

Sec. 11. Be it further enacted, That each Company incorporated by this Act shall have at least one Parade in



each month, during the year and as many drills besides as their Constitution and By-Laws may direct, and no excuse from said Parade will be valid, except sickness, or unavoidable absence from the Company's beat.

Sec. 12. Be it further enacted, That before any such Company shall be entitled to the provisions of this Act, the Commanding Officer present shall furnish, and have recorded in the Office of the County Clerk of the County in which said Company may reside, a certificate under oath, showing where such Company was organized, and to what arm of the service it may belong, and also the names of all its officers and members at the date of said certificate.

Sec. 13. Be it further enacted, That all property whether personal or real, held by said Companies, shall be held by the Officers of the same, and their successors in office, as Trustees for said Company.

Sec. 14. Be it further enacted, That the Commanding Officer (present) of all said Companies shall on the 1st day of January in each year, file in the Office of the County Clerk of the County in which said Company is established a full list of all the active resident Officers and members of said Company at that date.

Sec. 15. Be it further enacted, That this Act take effect and be in force from and after its passage.

Approved February 15, 1858.

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#### CHAPTER 147.

An Act to amend the First Section of an Act entitled "An Act to relinquish to the inhabitants of Ysleta in El Paso county, a certain tract of land adjoining the town tract, now held and owned by said inhabitants;" approved January 21, 1854.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first Section of the above recited Act shall hereafter read as follows, to-wit: The State of Texas hereby relinquishes to the inhabitants of the town of Ysleta,

in the County of El Paso, all the right now vested in the State to the tract of land lying on the East side of the Rio Grande, above the town tract of Ysleta, which formerly belonged to the said inhabitants of Cinecue, commencing at the North-West corner of the town tract of Ysleta on the Rio Grande; thence up said river with its meanders to the point where the Rio Grande and the Rio Viejo separate; thence down the East bank of the Rio Viejo to the South-East corner of Survey No. 12, located in the name of T. H. Dugan; thence North with the East line of said Survey to where it crosses the Northern line of the Cinecue tract; thence East with the North line of the Cinecue tract to the North-West corner of the Ysleta tract; thence along said line to the place of beginning. Supposed to contain about two leagues.

Sec. 2. This Act shall take effect from and after its passage.

Approved, February 15, 1858.

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#### CHAPTER 148.

**An Act to permit the Galveston and Brazos Navigation Company to re-locate their Land Certificates.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the Galveston and Brazos Navigation Company be, and they are hereby authorized to raise any files or locations of lands made by them, which are, in the opinion of the Commissioner of the Land Office, without the limits of the State of Texas; and that any District Surveyor be authorized to survey the said lands upon any of the public domain of the State of Texas; and that this act shall take effect from its passage.

Approved February 15, 1858.

## CHAPTER 149.

An Act making appropriations to supply the deficiency in former appropriations and for other purposes.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following sums be, and they are hereby appropriated to supply the deficiency in former appropriations and for other purposes:

For George J. Durham for services as acting Comptroller, during the absence of James B. Shaw, Comptroller, on two several occasions, to Washington City, under authority of an Act approved February 2d, 1856, to detect and prevent the payment of fraudulent Certificates of public debt, &c., from the 1st April to the 1st October, 1856, and from the 11th November, 1856, to the 1st March, 1857, say nine months at \$50 per month, that being the difference between the salaries of the Comptroller and the Chief Clerk. Balance due,.....	\$200 00
For William H. Burkhardt, for services as Extra Clerk in the month of December, 1856, in the Office of Commissioner of Claims,.....	75 00
For John Burlage, for extra service, from the 20th of August to the 20th of October, 1857,.....	180 00
For M. M. Grant, for extra service,.....	100 00
For H. D. Patrick, for extra service, as per joint Resolution of Legislature from the 20th November to 31st December, 1857,.....	100 00
For the General Land Office, deficiency in last appropriation, as per accounts submitted,.....	1878 34
For John D. Pitts, mustering Captain Callahan's Company into service of the State of Texas, on the 20th of July, 1855, and mustering out the same at San Marcos 9th October, 1855,.....	50 00
For E. B. Scarborough for publishing Proclamation of the Governor, submitting to a vote of the people a proposition to change the Constitution, three months prior to the election in August, 1857, in the Spanish language,.	50 00
For same for publishing two Proclamations of the Governor, in relation to the disturbances on the road from San Antonio to the coast, at \$20 each,.....	40 00

For costs due Clerks and Sheriffs from the State under the provisions of Part 5, Title 2, Penal Code, now on file in Comptroller's Office,.....	\$2426 12
For E. E. Lott, Certificate public debt No. 49, 2d Class,...	24 00
For John Townsend Certificate public debt No. 1192, 2nd Class, ....	24 00
For H. F. Oswald for printing, &c.....	383 00
For E. P. Nicholson, investigating Land Boards of Peters' Colony, 16 days at \$3 per day,.....	48 00
For H. G. Hendricks, investigating Land Board of Peters' Colony, 6 days at \$3 per day,.....	18 00
For S. B. Brush, repairs on Capitol as per account,....	124 05
For Wm. S. Hotchkiss, Clerk Board of Claims, 11 days,..	35 00
For indemnity of owners of Slaves executed in 1858 and 1859, .....	7000 00
For survey of Land Scrip, annually,.....	500 00
For pensions to Henry Tierwester, James M. Day, Rolla M. Davis, James W. Nichols, John B. Thacker, David Cole, Michael Short, Thomas Barnet, Thomas Norris, David Webb and Joana Navarro Allsbery, each \$100 annually, to be paid semi-annually to the pensioner in person, or his legally authorized Attorney. Also, for Henry M. Smith, the sum of two hundred and fifty dollars (\$250 00) annually, to be paid semi-annually to the Pensioner in person, or his duly authorized Attorney.	
For R. S. Jones, for Surveying connecting lines to establish University lands,.....	95 00
For P. Priestly, for services as Clerk in the State Department, ....	237 50
For same, as Clerk in Court of Claims,.....	200 00
For C. F. Millett, for repairing Capitol,.....	49 00
For E. Ravens, for fitting up Capitol,.....	128 00
For Domschike & Heinge, for repairs on desks &c.,....	86 25
For C. F. Millett, for Book Cases, Tables, &c.,.....	468 00
For J. B. Shaw for trunk containing clothing, audited draft and other valuable papers, stolen from the stage on his way from Washington City to the City of Austin, with funds for the State,.....	900 00

For Moodie & Dohme, for flagging side walk on Congress Avenue, in the City of Austin, balance due, . . .	\$300 00
For Assessors and Collectors, for taking census in the year 1858, or so much thereof as may be required, . . .	20,000 00
For Chaplain of the Senate, \$5 per day from the time of his election,	
For salary of A. J. Davis, Chaplain to the State Penitentiary for the year 1857, . . . . .	250 00
For boring Artesian well and improving Capitol grounds, \$10,000, or so much thereof as may remain unexpended of that sum, appropriated by the sixth Legislature.	
To aid in the erection of a Monument over the bodies of the slain at the battle of San Jacinto, . . . . .	1000 00
And the Governor is hereby authorized to pay out said amount, so soon as he may be satisfied the amount is necessary to carry on the work, to the Treasurer of the Association, upon his executing a bond with security, to be approved by the Governor, for the proper application of the funds.	

All the foregoing appropriations to be paid out of any money in the Treasury not otherwise appropriated.

Sec. 2. That this Act take effect and be in force from its passage.

Approved February 15, 1858.

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#### CHAPTER 150.

An Act to authorize and require the Commission of Claims to approve certain Headright, Bounty and Donation Land Certificates therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of Claims be, and he is hereby required to approve for Patenting the following Headright, Bounty and Donation Certificates, that is to say:

Donation Certificate No. 1094, for 640 Acres, issued to Manson Sheid, by B. T. Archer, Secretary of War, 27th November, 1830; Donation Certificate No. 102, for 640 Acres, issued to James A. Willis by John D. Pitts, Adjutant General, 27th March, 1848; Donation Certificate No. 355, for 640 Acres, issued to John Breeding by H. L. Upshur, Acting Adjutant General, 28th July, 1851; Donation Certificate No. 354, for 640 Acres, issued to N. B. Breeding, by H. L. Upshur, Acting Adjutant General, 28th July, 1851; Bounty Certificate No. 2851, for 640 Acres, issued to Josiah Wood, by assignee C. L. Harrison, by Barnard E. Bee, Secretary of War, 12th April, 1838; Bounty Certificate No. 9902, for 320 Acres, issued by B. T. Archer, Secretary of War. December 1st, 1841, to Peter Ryerson; Bounty Certificate No. 9899, issued by B. T. Archer, Secretary of War, December 1st, 1841, to W. A. Smith; Bounty Certificate No. 1179, issued by James S. Gillett, Adjutant General, 21st December, 1852, to James M. Tuttle; Bounty Certificate No. 736, issued by Ben. F. Hill, Adjutant General, 3d December, 1850, to William Means; Bounty Certificate No. 3892, issued by Wm. G. Cook, Adjutant General, to Joseph Korn; Bounty Certificate No. 7, issued by Wm. G. Cook, Adjutant General, 1st May, 1846, to John F. Miller; Bounty Certificate No. 4147, issued by Geo. W. Hockley, Secretary of War, 2d August, 1838, to Robert Montgomery; (to be appropriated for the benefit of original grantee;) Bounty Certificate No. 2624, issued by Charles Mason, Acting Secretary of War, to H. Lyon, by assignee F. M. Weathered; Bounty Certificate No. 1044, issued by J. S. Gillett, Adjutant General, 14th February, 1852, to Boyd A. Foreman; Bounty Certificate No. 394, issued by C. L. Mann, Adjutant General, 3d March, 1848, to William H. Irvin, by D. Chandler, assignee; Bounty Certificate No. 1279, issued by James S. Gillett, Adjutant General, 27th April, 1853, to Henry C. Bright; Unconditional Headright Certificate, for 640 Acres, No. 47, Class 2d, issued by the Board of Land Commissioners for San Augustine County, August 16, 1841, to J. S. Griffith; Headright Certificate No. 30, issued by the Board of Land Commissioners, of Robertson County, September 6th, 1841, to Edmond Webb, for 640 Acres; Headright Certificate No. 34, issued by the same Board, on the same day, to Anson F. Moss, for 320 Acres; Headright Certificate No. 8, issued by the same Board, on the 5th of April, 1841, to Robert

McCuisiton, for 1280 Acres; Headright Certificate No. 44, issued by the same Board, on the 6th November, 1841, to Laban Menifee, for 1280 Acres; Headright Certificate No. 40, issued by the same Board, October 4th, 1841, to Thomas Webb, for 1280 Acres; Donation Certificate No. 307, issued by George W. Hockley, Secretary of War, 9th June, 1838, for 640 Acres; Headright Certificate No. 387, issued by the Board of Land Commissioners, of Montgomery County, December 13, 1849, for 640 Acres, to Nancy Brantly, by her husband Wyatt Anderson; Headright Certificate No. 51, issued to Wm. Perry, by the Board of Land Commissioners of Cass County, for 320 Acres, dated 11th day of January, 1848.

Sec. 2. That this Act take effect from and after its passage.

Approved, February 15, 1858.

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## CHAPTER 151.

An Act supplemental to and amendatory of "an act to establish a Code of Criminal procedure for the State of Texas," Approved August 26, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following articles of the above recited act, commonly known as the Code of Criminal Procedure, are hereby so amended, as that the same shall hereafter read as follows, that is to say:

## CHAPTER 1.

Article 1 shall hereafter read thus:

It is hereby declared that this Code is intended to embrace rules applicable to the prevention and prosecution of offences against the laws of this State, and to make the rules of proceeding in respect to the prevention and punishment of offences intelligible to the officers who are to act under them, and to all persons whose rights are to be affected by them.

Article 27 shall hereafter read thus:

Whenever it is found that this Code fails to provide a rule of procedure in any particular state of case which may arise, and is therefore defective, the rules of the common law shall be applied and govern.

## CHAPTER 2.

Article 28 shall hereafter read thus:

It is the duty of the Attorney-General to represent the State in all criminal cases in the Supreme Court, except in cases where he may have been employed adversely to the State, previously to his election; and he shall not appear as Counsel against the State in any court.

Article 30 shall hereafter read thus:

It is the duty of each District Attorney to represent the State in all criminal cases in the District Courts of his District, except in cases where he has been, before his election, employed adversely, and he shall not appear as counsel against the State in any court, and he shall not after the expiration of his term of office, appear as counsel against the State, in any case in which he may have appeared as counsel for the State.

## CHAPTER 3.

Article 49 shall hereafter read thus:

All words and phrases used in this Code are to be taken and understood in their usual acceptation in common language, except where their meaning is particularly defined by law.

Article 52 shall hereafter read thus:

Either of the following officers is a "Magistrate" within the meaning of this code: the Judges of the Supreme Court, the Judges of the District Court, the Chief Justice of the County, either of the County Commissioners, the Justices of the Peace, the Mayor or Recorder of an incorporated city or town, and, in certain special cases, the Coroner.

Article 53 shall hereafter read thus:

The following are "Peace Officers:" the Sheriff and his deputies, Constable, Coroner, the Marshall and Constable of an incorporated town or city, and any private person specially appointed to execute criminal process.



## PART I.

## TITLE 3.

Article 61 shall hereafter read thus:

Justices of the Peace have jurisdiction to try and determine criminal actions against persons accused of the following offences:

1st, Simple assaults and batteries.

2d, Affrays.

3d, Violations of the penal laws with regard to gaming, where the highest penalty does not exceed one hundred dollars.

4th, Petty offences committed by slaves and free persons of color.

5th, Cases of vagrants and disorderly persons.

## PART II.

## TITLE 3.

## CHAPTER 2.

Article 111 shall hereafter read thus:

Whenever any building or other property is for the use of the public, it is unlawful for any person to place an obstruction which shall prevent the free use of such public property.

## CHAPTER 4.

Article 117 shall hereafter read thus:

The writ of Habeas Corpus is the remedy to be used when any person is restrained of his liberty.

Article 173 shall hereafter read thus:

Where a person once discharged, or admitted to bail, is afterwards indicted for the same offence, for which he has been once arrested, he may be committed on the indictment, but shall be again entitled to the writ of habeas corpus, and may, notwithstanding the indictment, be admitted to bail, if the facts of the case render it proper, but in cases where after indictment found, the cause of the defendant has been investigated on habeas corpus, and an order made either remanding him to custody, or admitting him to bail, he shall neither be subject to be again placed in custody, unless when surrendered

by his bail, or when the trial of his cause commences before a petit jury, nor shall he be again entitled to the writ of habeas corpus, except in the special cases mentioned in article 175.

### PART III.

#### TITLE 1.

#### CHAPTER 1.

Article 182 shall hereafter read thus:

An indictment for forgery may be presented within ten years, from the time of the commission of the offence, and not afterwards.

Article 185 shall hereafter read thus:

An indictment for all other felonies except murder, may be presented within three years from the commission of the offence and not afterwards.

#### CHAPTER 2.

Article 190a. The offence of forgery may be prosecuted in any county where the written instrument is forged, or where the same is used or passed, or attempted to be used or passed; and the offence of counterfeiting may be prosecuted in any county where the offence is committed, or where the counterfeit coin is passed, or attempted to be passed.

Article 204 shall hereafter read thus:

The jurisdiction for the trial of the offences of false imprisonment, kidnapping and abduction, belongs either to the county in which the offence was committed, or to any county through, into, or out of which the person falsely imprisoned, kidnapped, or taken in such manner as to constitute abduction, may have been carried.

Article 207 shall hereafter read thus:

In all cases mentioned in the foregoing articles of this chapter, the indictment or information or any proceeding in the case may allege that the offence was committed in the county where the prosecution is carried on, and to sustain the allegation of venue it shall only be necessary to prove that by reason of the facts existing in the case, the county, where such prosecution is carried on, has jurisdiction.

## TITLE 2.

## CHAPTER 3.

Article 234 shall hereafter read thus:

The magistrate may at the request of the prosecutor or person representing the State, or of the defendant, postpone, for a reasonable time, the examination, so as to afford an opportunity to procure testimony; but the accused shall in the meanwhile be detained in the custody of the Sheriff or other duly authorized officer: unless he give bail to be present from day to day before the magistrate, until the examination is concluded, which he may do in all cases except murder and treason.

Article 237 shall hereafter read thus:

The accused may make a voluntary statement before the witnesses, both for and against him, are sworn and examined; and the magistrate shall, if requested by the accused or his counsel or by the person prosecuting, have all the witnesses placed in charge of an officer, except the witness who is testifying, so that the testimony given by any one witness, shall not be heard by any of the others.

Article 247 shall hereafter read thus:

Should no counsel appear either for the State or for the defendant, the magistrate may examine the witnesses, and the accused has the same right.

Article 241 shall hereafter read thus:

Before the examination of the witnesses the magistrate shall inform the defendant that it is his right to make a statement relative to the accusation brought against him, but shall, at the same time, also inform him that he cannot be compelled to make any statement whatever.

Article 250 shall hereafter read thus:

After the voluntary statement of the accused, if any, and the examination of the witnesses has been fully completed, the magistrate shall proceed to make an order committing the defendant to the jail of the proper county, if there be one, discharging him or admitting him to bail, as the law and facts of the case may require.

## CHAPTER 4.

Article 263 shall hereafter read thus:

A recognizance shall be sufficient to bind the principal and sureties, if it contain the following requisites:

1. If it be acknowledged that the defendant is indebted to the State of Texas in such sum as is fixed by the Court, and the sureties are in like manner indebted in such sum as is fixed by the Court.

2. That it state the name of the offense with which the defendant is charged.

3. That it appear by the recognizance that the defendant is accused of an offense against the laws of this State.

4. That the time and place when and where the defendant is bound to appear, be stated, and the Court before which he is bound to appear.

Article 264 shall hereafter read thus:

A bail bond shall be sufficient if it contain the following requisites:

1. That it be made payable to the State of Texas.

2. That the obligors thereto bind themselves that the defendant will appear before the proper court to answer the accusation against him.

3. That the offense of which the defendant is accused be distinctly named in the bond, and that it appear therefrom that he is accused of some offense against the laws of the State.

4. That the bond be signed by the principal and sureties, or in case all or either of them cannot write, then that they affix thereto their marks.

5. That the bond state the time and place when and where the accused binds himself to appear, and the Court before which he is to appear. In stating the time it is sufficient to specify the term of the court; and in stating the place it is sufficient to specify the name of the Court and of the County.

Article 281 shall hereafter read thus:

Sureties shall in all cases be severally bound, and when a surrender of the defendant is made by one or more of them, all the sureties shall be considered discharged: and in such cases the defendant shall be required to give other security in place of the persons so discharged. But if in any recognizance or bail bond, the parties either as principal or security, be in whole or in part bound jointly, the obligation shall nevertheless be valid.

Article 283 shall hereafter read thus:

The provisions of article 281 apply to all bonds authorized to be taken for the prevention or suppression of offences.

### TITLE 3.

#### CHAPTER 3.

Article 313 shall hereafter read thus:

Any officer to whom a search warrant is delivered, shall execute the same without delay.

### TITLE 4.

#### CHAPTER 1.

Article 339 shall hereafter read thus:

The Court shall take care to select persons having the following qualifications, they shall be:

1. Citizens of the State and of the County in which they are to serve, and qualified under the Constitution and laws to vote in said county.

2. Freeholders within the State, or householders within their respective counties.

3. Their names shall be upon the jury list required to be made out by said Court according to the laws regulating juries.

Article 350 shall hereafter read thus:

In trying the qualifications of any person to serve on the Grand Jury, he shall be asked these questions:

1. Are you a citizen of this State and county, and a qualified voter for members of the Legislature in this county?

2. Are you a freeholder in this State or a householder in this county?

And the Court shall cause the jury list to be examined to ascertain whether the name of the person be upon the same.

Article 351 shall hereafter read thus:

If by the answer of the person interrogated, and the examination of the jury list, it appears that he is a citizen of the State and county, where the court is held; is qualified by the Constitution and laws to vote for members of the Legislature; and is either a freeholder in the State or a householder in the proper county, and that his name is upon the jury list, he shall be deemed a competent Grand Juror.

Article 356 shall hereafter read thus:

When the Grand Jury is completed, one of their body shall be appointed foreman, and the following oath shall be administered to each of said Jurors:

"You solemnly swear, (or affirm at the case may be,) that you will diligently inquire into, and true presentment make of all such matters and things as shall be given you in charge, the States counsel, your fellows and your own you shall keep secret. You shall present no person from envy, hatred or malice, neither shall you leave any person unrepresented for love, fear, favor, affection or hope of reward, but you shall present things truly as they come to your knowledge, according the best of your understanding; so help you God."

Article 383 shall hereafter read thus:

The Grand Jury in propounding questions to witness, shall direct the examination to the person accused or suspected, shall state the offence with which he is charged, the county where the offence is said to have been committed, and as nearly as may be, the time of the commission of the offence, but should the jury think it necessary, they may ask the witness in general terms, whether he has knowledge of the violation of any particular law by any person.

Article 383a. When a felony has been committed in any county within the jurisdiction of the Grand Jury, and the name of the person guilty thereof is unknown, or where it is uncertain by whom the same was committed, the Grand Jury may ask any pertinent question relative to the transaction, in such manner as to ascertain who is the guilty party.

Article 384 shall hereafter read thus:

The duty of Grand Jurors is to enquire of offences against the laws indictable within their respective counties.

Article 395 shall hereafter read thus:

An indictment shall be deemed sufficient if it has the following requisites:

1. It shall commence "in the name and by the authority of the State of Texas."
2. It must appear therefrom that the same was presented in a Court having jurisdiction of the offence set forth.
3. It must appear to be the act of a Grand Jury of the proper county.
4. It must contain the name of the accused, or state that his name is unknown.

5. It must show that the place where the offence was committed is within the jurisdiction of the Court in which the indictment is presented.

6. The time mentioned must be some date anterior to the presentment of the indictment, and not so remote that the prosecution of the offence is barred by limitation.

7. The offence must be set forth in plain and intelligible words.

8. The indictment must conclude "against the peace and dignity of the State."

9. It shall be signed officially by the foreman of the Grand Jury.

Article 403 shall hereafter read thus:

An information is sufficient if it has the following requisites:

1. It shall commence "in the name and by the authority of the State of Texas."

2. That it shall appear to have been presented in a court having jurisdiction of the offence set forth.

3. That it appear to have been presented by the proper officer.

4. That it contain the name of the person accused, or be stated that his name is unknown.

5. It must appear that the place where the offence is charged to have been committed is within the jurisdiction of the court where the information is filed.

6. That the time of the commission of the offence be some date anterior to the filing of the information, and that the offence does not appear to be barred by limitation.

7. That the offence be set forth in plain and intelligible words.

8. That the information conclude "against the peace and dignity of the State."

Article 406 shall hereafter read thus:

The rules laid down in articles 398, 399, 400 and 401 with respect to indictments, are applicable also to informations.

Article 406a. When an indictment has been lost or mislaid, the District Attorney may suggest the fact to the Court, and the same shall be entered upon the minutes of the Court, and in such case another indictment may be substituted upon the written statement of the District Attorney that it is substantially the same as that which has been lost, or mislaid. Or

another indictment may be presented to the Grand Jury; and in such case, the period for the commencement of the prosecution shall be dated from the time of making such entry.

Article 436 shall hereafter read thus:

In cases of felony, after indictment found, the State or the defendant shall be entitled, on application to the Clerk of the Court, to obtain an attachment against the person of a witness, to compel his attendance upon any particular day of the Court, if the witness resides in the county of the prosecution, provided that no attachment shall issue unless the witness has failed to obey a subpoena.

Article 437 shall hereafter read thus:

Where the witness resides out of the county where the prosecution is pending, the defendant shall be entitled, on application to the Court, for an attachment to compel the attendance of such witness, such application shall be in writing under oath, and state the name of the witness, the county of his residence, and the facts expected to be proved by such witness or witnesses, and if it appear to the Court that such testimony is material, the attachment shall issue, the State shall also be entitled to attachments under the provisions of this article upon the written application of the District Attorney, which shall contain the same requisites as required of the defendant under this article.

Article 455 shall hereafter read thus:

It shall be in the discretion of the Court to judge of the sufficiency of an excuse rendered by a witness.

Article 458 shall hereafter read thus:

The State shall in no case pay witness fees.

Article 459 shall hereafter read thus:

In misdemeanors it shall not be necessary before trial to furnish the defendant with a copy of the indictment or information; but he or his counsel may demand a copy which shall be given at as early a day as possible.

Article 460 shall hereafter read thus:

When the defendant in cases of felony is on bail at the time the indictment is presented, it is not necessary to serve him with a copy; but the Clerk shall deliver a copy of the same to the defendant or his counsel when requested, at the earliest possible time.

Article 461 shall hereafter read thus:



When the defendant is brought into court for the purpose of being arraigned, if it appear that he has no counsel and is too poor to employ counsel, the Court shall appoint one or more practising attorneys to defend him, and the counsel so appointed shall have at least one day to prepare for trial.

Article 471 shall hereafter read thus:

Where a defendant is described as a person whose name is unknown, he may have the indictment so corrected as to give therein his true name.

Article 477 shall hereafter read thus:

The preceding article refers to offences of every description whether felonies or misdemeanors.

Article 480 shall hereafter read thus:

The plea of not guilty shall, in every criminal action, be entered where the defendant refuses to answer; and in all cases of felony, when a plea of guilty is offered, like proceedings shall be had as are directed in articles 475 and 476, in relation to capital offences.

Article 481 shall hereafter read thus:

The primary pleading in criminal actions on the part of the State, is the indictment or information.

Article 489 shall hereafter read thus:

All motions to set aside an indictment or information, all special pleas and exceptions, shall be in writing.

Article 496a.:

The time allowed the defendant in which to file his pleadings, as provided in articles 490, 491, 492, 493, 495 and 496, shall not be so construed as to preclude him from filing his pleadings at any time before the case is ready for trial, except in cases that may occur under the provisions of article 529 of this Code.

Article 497a.:

The Court shall in all criminal cases dispose of the pleadings of the defendant in their order as at common law.

Article 505 shall hereafter read thus:

If the motion to set aside, or the exception to the indictment or information in cases of felony be sustained, the defendant shall not therefore be discharged, but may be immediately recommitted by order of the Court, upon motion of the District Attorney, or without motion, and proceedings may afterwards be had against him as if no prosecution had ever been commenced.

Article 519 shall hereafter read thus:

Subsequent applications for continuances on the part of the defendant shall, in addition to the requisites in the preceding article, state also:

1. That the testimony cannot be procured from any other source.
2. That the defendant has a reasonable expectation of procuring the same at the next term of the Court.

Article 524 shall hereafter read thus:

If a defendant in a capital case demand a trial, and it appear that more than one continuance has been granted to the State, and that the defendant has not before applied for a continuance, he shall be entitled to be admitted to bail, and unless it appear from the written statement of the District Attorney, or by the oath of some credible person, that a material witness of the State had been prevented from attendance by the procurement of the defendant or some person acting in his behalf.

Article 526 shall hereafter read thus:

A continuance may be granted on the application of the defendant or District Attorney after the trial has commenced, when it is made to appear to the satisfaction of the Court, that by some unexpected occurrence the trial commenced, which no reasonable diligence could have anticipated, the defendant or District Attorney is so taken by surprise that a fair trial cannot be had, or the trial may be postponed to a subsequent day of the term.

Article 527 shall hereafter read thus:

A change of venue may be granted on the written application of the defendant, supported by his own affidavit, and the affidavit of at least two credible persons, residents of the county where the prosecution is instituted, for either of the following causes, the truth and sufficiency of which the Court shall determine:

1. That there exists in the county where the prosecution is commenced so great a prejudice against him that he cannot obtain a fair and impartial trial.
2. That there is a dangerous combination against him instigated by influential persons, by reason of which he cannot expect a fair trial.

Article 529 shall hereafter read thus:

The venue shall not in any case be changed on the applica-

tion of the defendant, until after all motions, special pleas, and exceptions have been filed and acted on by the Court, and if overruled the plea of not guilty entered.

Article 543 shall hereafter read thus:

If there be a mistrial in a case of felony, the original sureties of the defendant shall be still held bound for his appearance until they surrender him in open court.

Article 561 shall hereafter read thus:

The regular jury for the term shall try all offences not capital, unless challenged for cause, in which event the panel shall be filled by surrounding talesmen, and if more jurors are required to enable the Court to proceed with the business of the term, the Sheriff shall supply them from the bystanders.

Article 563 shall hereafter read thus:

The oath administered to a juror in criminal cases shall be as follows:

"You solemnly swear that in the case of the State of Texas against (A. B.) the defendant, you will a true verdict render according to the law and the evidence, so help you God."

Article 565a.:

Where the list of persons summoned for the trial of a criminal cause is exhausted by challenges or otherwise, or where the persons summoned do not attend, talesmen shall be summoned upon the verbal order of the court, until the jury is completed.

Article 576 shall hereafter read thus:

The following are also causes of challenge to a juror:

1. That he is related by consanguinity or affinity to the defendant, or is his master or guardian.
2. That he is related by consanguinity or affinity to the person injured by the commission of the offence, or to the private prosecutor, if there be one.
3. That he served on the Grand Jury which found the indictment.
4. That he served on the petit jury in a former trial of the same case.
5. That he has a bias or prejudice in favor of or against the defendant.
6. That, from hearsay or otherwise, there is established in the mind of the juror, such a conclusion as to the guilt or in-

nocence of the defendant as will influence him in his action in finding the verdict.

For the purpose of ascertaining whether the last cause of challenge exists, the juror shall be first asked, whether in his opinion the conclusion, so established, will influence his verdict. If he shall answer in the affirmative, he shall be discharged. If he answer in the negative he shall be further examined by the Court, or under its directions, as to how his conclusion was formed, and the extent to which it will affect his action; and if the court is not satisfied, from such examination, that he is impartial, the juror shall be discharged.

7. That the juror has conscientious scruples in regard to the infliction of the punishment of death, for crime. This cause of challenge is only applicable to capital cases.

Article 631 shall hereafter read thus:

The following offences include different degrees:

1. Murder, which includes all the lesser degrees of culpable homicide.

2. Maiming, which includes disfiguring, wounding, aggravated assaults and batteries, and simple assaults and batteries.

3. Arson, which includes every malicious burning made penal by law.

4. Burglary, which includes every species of house-breaking, and of theft from a house.

5. Theft, which includes all unlawful acquisitions of personal property, punishable by the penal code.

6. Every offense against the person, includes within it, assaults with intent to commit said offence, when such assault is a violation of the penal law.

7. Every offence includes within it an attempt to commit the offence, when such attempt is made penal by law.

Article 644 shall hereafter read thus:

The following persons only are incompetent to testify in criminal actions:

1. Insane persons, who are in an insane condition of mind at the time when they are offered as witnesses, or who were in that condition when the events happened of which they are called to testify.

2. Children, or other persons who, after being examined by the Court, appear not to possess sufficient intellect to relate transactions with respect to which they are interrogated, or who do not understand the obligation of an oath.

3. A slave or free person of color shall not testify, except where the prosecution is against a person who is a slave or free person of color.

4. In prosecutions for seduction, under the provisions of the penal code, the female alleged to have been so seduced.

5. All persons who have been, or who may be convicted of felony in this, or any other State of the United States, or in any other State or kingdom, notwithstanding such person or persons may have been pardoned for such crime, unless the pardon so obtained shall, by its terms, specifically restore his competency to testify in a Court of Justice, or unless his competency be otherwise restored by the proper authorities of this State.

Article 692 shall hereafter read thus:

When the defendant has not given bail, and is not in custody, the District Attorney may, in case a pecuniary fine has been imposed, have a *capias* issued, and the Sheriff shall execute the same by placing the defendant in jail until the fine is paid; from which confinement he may be released after remaining in jail the length of time prescribed in Article 694, upon making oath before the Sheriff that he is unable to pay.

Article 693 shall hereafter read thus:

When the punishment assessed by the jury is a pecuniary fine only, the defendant, if in custody, may be discharged therefrom upon the payment of the fine and costs.

Article 694 shall hereafter read as follows:

If the defendant is in custody he may be committed to Jail, to remain until the fine and costs are paid, unless he make oath that he is unable to pay the fine and costs, in which case he shall be committed to Jail for a term not exceeding ten days; and if the fine and costs exceed twenty dollars, then one additional day for every three dollars over twenty to which the fine and costs may amount.

Article 696 shall hereafter read thus:

Where the punishment imposed, or any part thereof, is imprisonment, and the defendant is not in custody, a *capias* may be issued to take the defendant, and the Sheriff shall execute the same, by placing the defendant in Jail, to remain the length of time fixed by the judgment, and until the costs and the fine if any has been imposed, in addition to the imprisonment, are paid, unless he be discharged according to the provisions of Article 694.

Article 723 shall hereafter read thus:

The defendant shall also be required, where the State appeals, to enter into recognizance to appear before the District Court to answer the criminal accusation against him, in case the judgment of the District Court be reversed.

Article 738a. An appeal may be taken, either by the State or defendant, from every final judgment rendered upon a recognizance, bail bond, or bond taken for the prevention or suppressions of offences, and the proceedings in such cases shall be regulated by the same rules which are prescribed in civil suits, except that no security shall be required of the State.

Article 738b. Judgment final, in the cases mentioned in the preceding Article, may be also taken to the Supreme Court by Writ of Error, as in civil suits, except that the defendant shall in all cases, be required to give bond to comply with the judgment or order of the Supreme Court.

Article 826 shall hereafter read thus:

The Justice shall issue to the Constable, or other peace Officer, directing him to summon a jury of twelve men for the trial of the case before him, unless the defendant waive the right of a trial by jury, and consent that in case of conviction, the Justice may assess the fine and imprisonment, or either. Any person summoned as a juror, who fails to attend, may be fined by the Justice as for contempt, in a sum not exceeding twenty dollars.

Article 848 shall hereafter read thus:

If the defendant be placed in Jail, on account of failing to pay the fine and costs, he can be discharged on Habeas Corpus, by showing: 1st. That he is too poor to pay the fine and costs; and further: 2d. That he has remained in Jail a sufficient length of time to satisfy the fine at the rate of three dollars for each day; but the defendant shall, in no case under this Article, be discharged until he has been imprisoned at least ten days; and a Justice of the Peace may discharge the defendant upon his showing the same cause, by written application, presented to such Justice, and upon such application being granted, the Justice shall note the same on his minute-book.

Article 906 shall hereafter read thus:

A person of color is one who has at least one eighth African blood.

Article 909 a. When a free person of color is arrested under a warrant issued by a Magistrate, he shall be brought by the Officer making the arrest before such Magistrate.

#### TITLE 9.

##### Of Special Proceedings Against Railroad Companies.

Article 948 a. If any Railroad Corporation shall wilfully neglect to perform any duty enjoined by "An Act to regulate Railroad Companies," approved February 7, 1853, or by any other law of the State, that is now or may hereafter be enacted, such Company may be prosecuted in the name of the State, in the District Court of any County through which said road may pass; or of any County where the route of such road in actual operation may commence or terminate.

Article 948 b. Prosecution in such cases shall be regulated by the rules which govern civil suits, as to the form of the petition and other pleadings, and the service of process, and as to the trial before the jury.

Article 948 c. If the verdict be for the State, such damages shall be assessed as are prescribed by the laws heretofore or hereafter to be passed, relating to such illegal acts, and the judgment of the Court shall be rendered against the Company in its Corporate name, and execution may be levied against any property belonging to such Company.

Article 948 d. The three preceeding Articles have no reference to cases where any act or omission of a Railroad Company operates as a surrender or forfeiture of its Charter.

#### PART V, &c.

Article 949 shall hereafter read thus:

The Clerk of the Supreme Court, each Clerk of the District Court, and each Justice of the Peace and Mayor or Recorder of an incorporated City or Town, shall keep a book called a fee book, in which they shall tax the costs accruing in each criminal action or proceeding before them.

Article 952 d. Costs shall be paid by the State as follows: to the Attorney General, in every case of felony, where the defendant appeals and the judgment is affirmed, twenty dollars; to the District Attorneys in every case of conviction

for felony in the District Court, where the defendant does not appeal, or where upon appeal the judgement is affirmed, twenty dollars; to the Clerk of the Supreme Court, in every case of felony upon which an appeal is taken, ten dollars; to the Clerks of the District Courts in every case of felony, whether the defendant is acquitted or convicted, ten dollars; but in cases where the defendant is indicted for a felony and by a verdict of the jury is convicted of an offence less than felony, no cost shall be paid by the State.

Article 956 shall hereafter read thus:

The costs and fees paid by the State under this title shall be a charge against the defendants in cases where they are convicted, except in cases of Capital punishment, or of sentence to the Penitentiary for life: and when collected shall be paid into the Treasury of the State.

Article 968 a. Each member of a Coroner's Jury shall be allowed one dollar and twenty-five cents a day, while serving upon the same, to be paid by the County, and the Certificate of the Coroner shall be sufficient evidence for the allowance of the claim.

Article 970 shall hereafter read thus:

Costs, when adjudged against the defendant, shall be allowed as follows: To the Attorney General shall be paid for every conviction for offences against the Penal Laws relating to gaming, where the judgment is affirmed, or where the appeal is dismissed, fifteen dollars; for every case of appeal by the State in gaming cases, where the judgment is reversed, fifteen dollars; for every like case of affirmance of judgment in favor of the State, or of dismissal of the appeal of the defendant, or of refusal where the State appeals in other cases of misdemeanor, ten dollars.

Article 978 a. In case of the conviction of a slave for a petty offence, the costs shall be adjudged against the master, or person in whose employment the slave may be at the time of the conviction, to be collected under execution as in ordinary cases.

Article 978 b. When a free person of color is convicted of a petty offence, and the cost is not paid by him, or he is unable to pay the same, it shall be paid by the county, and the defendant may be compelled by the County Court to labor upon any public work of the County, for the reimburse-



ment of the same, or he may be hired out under the direction of the County Court until his earnings will pay the same.

Sec. 2. Be it further enacted, That so much of Article nine hundred and fifty-two as refers to costs of Clerks, Article seventeen, twenty-nine, two hundred and eighty-two, three hundred and ninety-three, three hundred and ninety-seven, four hundred and five, four hundred and fifty-six, four hundred and sixty-four, four hundred and sixty-five, four hundred and sixty-seven, four hundred and seventy-four, four hundred and seventy-eight, five hundred and twenty-three, five hundred and twenty-five, five hundred and sixty, five hundred and sixty-two, five hundred and sixty-four, five hundred and sixty-five, seven hundred and fourteen, eight hundred forty-six, eight hundred and forty-seven, of the Code of Criminal Procedure, are hereby repealed.

Sec. 3. Be it further enacted, That this Act take effect after the first of July, 1858.

Approved February, 15, 1858.

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#### CHAPTER 152.

An Act granting further time for the holding of, and changing the times of holding the District Courts in the counties of Henderson, Kaufman and Van Zandt.

Section 1. Be it enacted by the Legislature of the State of Texas, That the District Court in the county of Henderson shall commence on the ninth Monday after the first Monday in March and September, and may continue in session two weeks. In the county of Kaufman on the eleventh Monday after the first Monday in March and September, and may continue in session two weeks. In the county of Van Zandt on the thirteenth Monday after the first Monday in March and September, and may continue in session one week.

Sec. 2. That all writs and process issued from the District Court in the county of Kaufman and made returnable on the tenth Monday after the first Monday in March and September, 1858, shall be returnable to said Court on the eleventh Monday after the first Monday in March and September 1858, and

all writs and process issued from the District Court of Van Zandt and made returnable on the eleventh Monday after the first Monday in March and September, 1858, shall be returnable to said Court on the thirteenth Monday after the first Monday in March and September, 1858, and such writs and process shall be as valid as if the same had been returned to said Court at the times required by the law heretofore regulating the same, and the same proceedings may be had upon such writs and process at the times provided for in this act, as might have been, had they been returned as required in said writs. And this act shall have effect and be in force from and after its passage.

Approved, February 19, 1858.

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### CHAPTER 153.

An Act to establish the salaries of the Chief Clerk of the General Land Office, the Chief Clerk of the Comptroller's Office, the Chief Clerk in the State Department, and the Chief Clerk in the Treasurer's Office and the Chief Clerk of the Court of Claims.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Chief Clerk of the General Land Office, the Chief Clerk of the Comptroller's office, the Chief Clerk in the State Department, and the Chief Clerk of the Court of Claims, shall each receive an annual salary of Fourteen Hundred Dollars, and the Chief Clerk of the Treasurers Office shall receive an annual salary of twelve hundred dollars: Provided, that the Chief Clerk of the Treasurer's Office shall give a Bond in the sum of twenty-five thousand dollars, for the faithful performance of his duties.

Sec. 2. That a sufficient sum be, and is hereby appropriated, to carry out the provisions of this act, and that the same take effect and be in force from and after its passage.

Approved, February 16, 1858.

## CHAPTER 154.

An Act making appropriations for the use and support of the State Government for the years 1858 and 1859.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following sums be, and they are hereby appropriated for the use and support of the State Government for the years 1858 and 1859:

## Executive Department.

For salary of the Governor, annually.....	\$3,000 00
For salary of the Private Secretary, annually.....	900 00
For Contingent Expenses, annually.....	500 00

## Department of State.

For salary of Secretary of State annually.....	\$1,800 00
For salary of Chief Clerk in State Department annually..	1,400 00
For Printing, annually.....	300 00
For Porter hire and wood, annually.....	100 00
For Postage, annually.....	200 00
For Contingent Expenses, annually.....	100 00
For Stationery and Books, annually.....	100 00
For Employment of additional service required to copy laws for Public Printer, within the time prescribed by law .....	100 00

## General Land Office.

For Salary of Commissioner of the General Land office, annually .....	\$2,000 00
For Salary of Chief Clerk annually.....	1,400 00
For salary of Translator annually.....	1,200 00
For salary of Receiver annually.....	1,200 00
For salary of Chief Draftsman annually.....	1,200 00
For salary of three Assistant Draftsman each, annually..	1,000 00
For salary of six Second Assistant Draftsmen, each, annually .....	1,000 00

For salary of twenty-three Clerks, each annually.....	900 00
For Stationery, annually.....	1,000 00
For Postage, annually.....	500 00
For Contingent Expenses, annually.....	400 00
For Firewood, annually.....	250 00
For Printing, annually.....	100 00
For Porterage, annually.....	250 00
For Blank Patents, say twenty-five thousand annually..	8,000 00
For Cases and other furniture for New Land Office.....	1,000 00

Court of Claims.

For salary of Commissioner of Court of Claims, annually	\$2,250 00
For salary of Chief Clerk, annually.....	1,200 00
For salary of Assistant Clerk annually.....	900 00
For salary of one additional Assistant Clerk if necessary, annually ..	900 00
For Postage, annually.....	150 00
For Printing, annually.....	150 00
For Stationery, annually.....	100 00
For Contingent Expenses, annually.....	200 00
For Firewood, annually.....	75 00

Comptroller's Office.

For salary of Comptroller, annually.....	\$1,800 00
For salary of Chief Clerk, annually.....	1,400 00
For salary of Clerk Tax Bureau, annually.....	1,200 00
For salary of Accountant, annually.....	900 00
For salary of Four Assistant Clerks, annually, each.....	900 00
For salary of two Assistant Clerks 18 months annually, each ..	900 00
For Contingent Expenses, annually.....	275 00
For Books and Stationery, annually.....	350 00
For Printing, annually.....	375 00
For Postage, annually.....	350 00
For Blank Assessment Rolls, annually.....	375 00
For Firewood, annually.....	100 00
For one set of Books.....	200 00

## State Engineer and Superintendent.

For salary of State Engineer and Superintendent annually . . . . . \$3,000 00

## Clerks and Sheriffs.

For Costs accruing to Clerks and Sheriffs, under the provisions of Part 5, Title 2, of the Penal Code, annually . . . . . \$20,000 00

## Judiciary—Supreme Court.

For salary of three Judges Supreme Court, each, annually . . . . . \$3,000 00  
 For three Librarians, each, annually . . . . . 300 00  
 For Contingent Expenses Supreme Court, annually . . . . . 1,500 00  
 For Printing Supreme Court Reports for two years, or so much thereof as may be necessary . . . . . 11,000 00  
 For Increase of Supreme Court Library, to be expended under the direction of the Supreme Court, five hundred dollars for each branch of the Court . . . . . 1,500 00

## Attorney General.

For salary of Attorney General, annually . . . . . 1,800 00  
 For Contingent Expenses of Attorney General's Office, annually . . . . . 250 00

## District Courts.

For salary of nineteen District Judges, each annually . . \$2,250 00  
 For salary of nineteen District Attorneys each annually . . 500 00

## Treasury Department.

For salary of State Treasurer, annually . . . . . \$1,800 00  
 For salary of Clerk in Treasurer's Office annually . . . . . 1,200 00  
 For Contingent Expenses, annually . . . . . 200 00

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For Stationery, Postage and Printing annually.....	250 00
For Porter hire for Treasurer and Comptroller's office, annually .. .. .	150 00

Legislative Department.

For per diem pay of Members, for one hundred days....	\$61,500 00
For mileage of Members.....	13,260 00
For pay of Officers of the Legislature.....	11,000 00
For Contingent Eexpenses, including newspapers, printing &c. ....	20,000 60
For Printing Laws and Journals.....	12,000 00
For Distributing Laws, Journals and Reports of Supreme Court .....	2,500 00
For Purchase of Stationery for next Legislature.....	1,500 00
For support of the Institution for the Deaf and Dumb, per annum .....	6,500 00
For the support of the Institution of the Blind, per annum ..	6,500 00
For the purchase of a site for the Lunatic Asylum furnishing, and for the support of the same annually, or so much thereof as may be necessary.....	15,000 00

For the purchase of two hundred copies of Pressler's map, on rollers, to contain all counties created to this date, one copy of which shall be furnished, without expense by the State, to the Clerk of the County Court of each organized county in the State, to be by him kept in his office for public inspection: The remaining copies to be disposed of as the Governor may direct..... \$1,000 00

To Latimer and Swindell's for publishing citation to W. S. Peters and others of Peters Emigration and Land Company, 32 squares, 4 times .. .. . \$80 00

To Thomas S. Lubbock and E. L. Ufford, for guarding public funds in the care of Comptroller en route from Washington City to the City of Austin, each..... \$50 00

All the foregoing appropriations to be paid out of any money in the Treasury not otherwise appropriated, and that this act take effect from its passage.

Approved, February 15, 1858.

## CHAPTER 155.

An Act to remove the disabilities of minority from John B. Stewart and John T. Pierce, William Henry Harris of Nacogdoches county, W. B. T. Allen, James C. Everett, William Wallace Gordon, and Drury C. McGee, Thomas Y. Easton, Charles L. McGehee, Charles L. Rogers, Albert A. Jordan, Albert H. Brantley, and James Masterson, and declare them of lawful age.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the disabilities of minority are hereby removed from John B. Stewart and John T. Pierce, William Henry Harris of Nacogdoches county, W. B. T. Allen, James C. Everett, William Wallace Gordon, and Drury C. McGee, Thomas Y. Easton, Charles L. McGehee, Charles L. Rogers, Albert A. Jordan, Albert H. Brantley, and James Masterson, and that they shall hereafter be capable of transacting all business and making all contracts, the same as if they were severally twenty-one years of age; and they shall be bound in all respects by all contracts made and business transacted by them, the same as if they were severally of the full age of twenty-one years. Provided, that no political privileges shall be conferred.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved, February 15, 1858.

## CHAPTER 156.

An Act to reorganize the fifteenth Judicial District, and regulate the time of holding Courts therein.

Section 1. Be it enacted by the Legislature of the State of Texas, That the counties of Chambers, Liberty, Polk, Trinity, Tyler, Hardin, Jefferson and Orange, shall constitute the Fifteenth Judicial District.

Sec. 2. The District Courts in the fifteenth Judicial District, shall commence in Chambers county on the second Mondays in March and September, and may continue in session one week.

In Liberty county on the third Mondays in March and September, and may continue in session two weeks.

In Polk county on the second Mondays after the third Mondays in March and September, and may continue in session two weeks.

In Trinity county on the fourth Mondays after the third Mondays in March and September, and may continue in session two weeks.

In Tyler county on the sixth Mondays after the third Mondays in March and September, and may continue in session three weeks.

In Hardin county on the ninth Mondays after the third Mondays in March and September, and may continue in session one week.

In Jefferson county on the tenth Mondays after the third Mondays in March and September, and may continue in session one week.

In Orange county on the eleventh Mondays after the third Mondays in March and September, and may continue in session until the business may be disposed of.

Sec. 3. This Act shall be construed as amendatory of former laws upon the same subject, repealing parts only thereof as may conflict with the provisions herein contained; and that this Act shall take effect from and after its passage.

Approved February 16, 1858.

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## CHAPTER 157.

### An Act to provide for a Digest of the Laws of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor of this State be, and he is hereby authorized to receive proposals for the furnishing, for the use of the State, of five thousand copies of a new and revised Digest



of all the General Statute Laws of this State down to and including those passed as the present session of the Legislature. Such Digest shall be printed upon paper of a quality not inferior to that of Hartley's Digest, and as far as practicable, it shall follow the plan of Hartley's Digest, or improve upon the same, and be put up in law sheep binding of the same character. It shall in addition conform to the following requisites: Besides the laws now in force, it shall contain the appropriate titles in smaller type, all the repealed laws of the Republic and State of Texas, by, through, or under which, rights have accrued; also, the colonization laws of Mexico and Coahuila and Texas, which were in force before the Declaration of Independence by Texas. Marginal notes indicating the subject of each Section, and containing references to laws upon the same subject, if there be such, and at the foot of each page, referring to the decisions of the Supreme Court in which there have been judicial interpretations of the Act or Section to which such notes are attached.

Sec. 2. The Governor shall appoint a time to enter into a contract for such Digest, and give sixty days notice of the same; at the expiration of which, he shall consider such proposals as shall be presented, and enter into a contract on the part of the State, as may be most to its interests, with such person or persons as are qualified for the execution of the work; provided, that the cost of such Digest shall not exceed four dollars for each copy.

Sec. 3. The person to whom the contract is awarded, shall enter into bond with two or more good securities, to the satisfaction of the Governor, in the sum of ten thousand dollars for the faithful performance of the contract. The contract shall require the delivery of the said five thousand copies at the office of the Secretary of State in the city of Austin, on or before the fourth day of July, 1859; and when the same shall have been delivered, the Secretary of State shall certify the fact to the Comptroller, who shall, when he receives such certificate, and also a certificate signed by any two of the judges of the Supreme Court, that the said Digest conforms to the requirements of this Act, shall issue his warrant for the amount due to the contractor according to the terms of his contract with the State, and the Treasurer shall pay the same. The Secretary of State shall immediately thereafter, cause copies of said Digest to be delivered and distributed as the General Laws of the State are now required to be.

Sec. 4. That the sum of twenty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money not otherwise appropriated, to carry out the provisions of this Act; and that this Act take effect and be in force from and after its passage.

Approved, 15th February, 1858.

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CHAPTER 158.

An Act to relinquish the State tax for the years 1858 and 1859, to certain counties for the purposes therein mentioned.

Section 1. Be it enacted by the Legislature of the State of Texas, That nine-tenths of the State tax hereafter to be collected under law, on the assessment to be made for the years 1858 and 1859, in the county of Starr, are hereby relinquished to that county; and nine-tenths of the State tax for the same years, of the county of Hidalgo, are relinquished to that county; and nine-tenths of the State tax for the same years of the county of Cameron, are relinquished to that county.

Sec. 2. That the taxes thus relinquished be set apart and appropriated exclusively, under direction of the respective County Courts of said counties, for the purpose of building good and substantial Jails in said counties.

Sec. 3. Said tax to be assessed and collected by law regulating the same, returns of the assessment rolls to be made, and one-tenth of said tax to be passed to the credit of the Free Common School Fund, and nine-tenths of said tax on property situated in counties other than that in which the assessment is made, for the benefit of said counties respectively, shall be made by the Assessor and Collector to the Comptroller, at the time provided by law, and it shall be the duty of the several Assessors and Collectors of said counties, to use the forms and pursue the instructions of the Comptroller as heretofore. And the County Court shall exercise a general supervision over Assessors and Collectors and Treasurers of their respective counties, and in case of any delinquency or defalcation of said Officers, said Courts shall have power to remove or suspend

said Officers, and do any other thing necessary to the protection of the interests of the county and State, and the punishment of said offending Officer or Officers.

Sec. 4. The Assessor and Collector shall monthly pay over to the Treasurer of the county, all monies collected under this Act, and report to the County Court at each regular meeting, the time and amounts of said payments, and submit to said Court, whenever required, his books and accounts, and also make an annual statement at the same time he is now required to make his final settlement with the Comptroller under existing laws; and it shall be his duty to use the forms and pursue the instructions of the Comptroller as heretofore; provided, said Assessors and Collectors and County Treasurers shall collect and account for gold and silver only.

Sec. 5. That the liability of the Assessor and Collector shall be as heretofore, and as provided for in Section third; and in the event of any Assessor and Collector failing or refusing to comply with the laws regulating the assessment and collection of taxes, said officer and his securities shall be prosecuted by the District Attorney of the District where such officer resides, on the bond or bonds he may have executed to the State of Texas and county, for the faithful discharge of such officer's duty, and a certified copy of such bond by the County Clerk of the county where such bond is of record, shall be entitled to the same degree of credit, that the original bond would be if produced in Court.

Sec. 6. It shall be the duty of the District Attorneys of the Districts in which said Assessors and Collectors may reside, to prosecute all delinquent tax collectors when notified by the County Courts, that such officers, if residing in their respective Districts, have failed to assess and collect the taxes in such county, in the manner provided for by law, and a statement of such officer's accounts, certified by the County Court of the county, shall be prima facie evidence of such officer's delinquency, and the District Attorney shall prosecute the cause in the manner provided for by law; and the proceeds of such prosecution shall be paid into the County Treasury.

Sec. 7. The Treasurer of the county shall report to the County Court of his county, at each regular meeting of said Court, the amount of money in the Treasury, when and from whom received, and account for all monies paid out; none of which shall be disbursed except by order of the Chief Justice, attested by the County Clerk. He shall enter into bond to

the county in a sum which the County Court may consider double the probable amount of the relinquished State tax for the term of two years, in addition to the bond now required by law, and his liability shall be as heretofore.

Sec. 8. The pay allowed the Assessor and Collector for going to and returning from the Seat of Government, settling his accounts, shall be as heretofore provided by law; the same to be paid out of the County Treasury, on the certificate of the Comptroller, that the said Assessor and Collector has settled his accounts.

Sec. 9. The Comptroller shall receive the taxes due from non-residents of the State, and nine-tenths of the State tax assessed on property in the counties mentioned in this Act, shall be paid by the Comptroller, upon the order of the County Court entitled to the same.

Sec. 10. The County Treasurer shall be entitled to receive two per cent. for receiving, and the same rate for paying out monies received under this Act, and no more.

Sec. 11. That if any Assessor and Collector or County Treasurer of the counties mentioned in this Act, shall fail or refuse to pay over any monies that may come into his hands under this Act, he shall be considered guilty of embezzlement, and upon indictment and conviction thereof, shall be punished as provided for in the Penal Code.

Sec. 12. That this Act take effect and be in force from and after its passage.

Approved February 16, 1858.

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## CHAPTER 159.

An Act declaring the intent, meaning and true construction of the 8th Section of An Act passed August 1st, 1856, entitled An Act to encourage the improvement of the Navigation of the rivers and other navigable waters in Texas, by making appropriations for the same, and supplemental thereto.

Section 1. Be it enacted by the Legislature of the State of Texas, That it is the true intent and meaning of an Act passed August first, 1856, that the sum of fifteen thousand

dollars, appropriated by the 8th Section of said Act, for the improvement of the Navigation of the Sabine river, is not included in the appropriation made by the first Section of said Act, but additional thereto; and that the said sum be expended on said river under the direction of the State Engineer. And that this Act take effect from and after its passage.

Passed February 16th, 1858.

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## CHAPTER 160.

### An Act amendatory of the Laws to raise Revenue by Taxation.

Section 1. Be it enacted by the Legislature of the State of Texas: That there shall be levied and collected for the use of the State, a direct ad valorem tax of twelve and a half cents upon each hundred dollars value of property, real and personal, (except such property as may be exempt by law from taxation.)

Sec. 2. That there shall be assessed and collected of every free male person between the ages of twenty-one and fifty years, residents of this State, (idiots and persons non compos mentis, excepted,) a poll tax of fifty cents each.

Sec. 3. That the County Courts of the several counties of the State, shall have the power to authorize the assessment and collection of twelve and a half cents on each hundred dollars value of property, real and personal, to be appropriated to the use of the said several counties.

Sec. 4. That there shall be assessed and collected of each person, firm or public corporation, having money loaned at interest, a tax at the rate of twenty cents on each hundred dollars so loaned; and any person, firm or public corporation having money loaned at interest who shall fail or refuse to give in the same for taxation, shall upon conviction before any court, having competent jurisdiction, forfeit the interest on such money loaned at interest, and not given in for taxation, to the use of the informer; that each and every person or firm en-

gaged in the sale of goods, wares and merchandize, vinous and spirituous liquors, when sold in quantities of a quart or more, shall pay a tax of twenty cents on each hundred dollars value of such articles purchased for sale, or received for sale as agent or auctioneer by such person or firm; and it shall be the duty of each assessor and collector in this State, once in every three months, or oftener, to call upon such person or firm so occupied or engaged in his county, for an account of such purchases or consignments to be made under oath; and every person, when so called upon, who shall refuse or fail to furnish such assessor or collector with an account of such purchases or consignments during the term for which the assessment is to be made, shall be liable to a penalty of fifty dollars for each failure or neglect, to be recovered on the information of the Assessor and Collector, before any Justice of the Peace of the proper county, by a suit in the name of the State; and the specific tax levied and collected by virtue of this section shall exempt the goods, wares, and merchandize from the ad valorem tax levied by this act.

Sec. 5. That there shall be assessed and collected of every theatrical company, exhibiting for pay or emolument, an annual direct tax of one hundred dollars for each and every such establishment; of each and every person or company exhibiting any museum, menagerie, wax works, feats of activity, slight of hand, or any other diversion of like character, an annual direct tax of twenty dollars, in each county in which the same may be exhibited.

Sec. 6. That there shall be assessed and collected of each and every person pursuing the occupation of hawker or pedlar of goods or other articles not manufactured in this State, an annual direct tax of fifty dollars in each and every county in which he may pursue such occupation; of each and every person or firm keeping a billiard table, an annual direct tax of fifty dollars for each and every table so kept; of each and every person or firm keeping a nine or ten pin alley, an annual direct tax of forty dollars for each and every alley so kept; of each and every person or firm keeping any cook shop, restaurant, or eating house for pay or emolument, an annual direct tax of sixteen dollars, for each and every such establishment; of each and every person or firm keeping a race track an annual direct tax of forty dollars; of each and every person or firm pursuing the occupation of real estate broker, ship broker, merchandize or cotton broker, or any commission business, an

annual direct tax of twenty dollars for each and every such establishment; of each and every person or firm occupied in the business of auctioneering, an annual direct tax of twenty dollars; of each and every person pursuing the occupation of pawn-broker an annual direct tax of twenty dollars. It shall be the duty of each and every person or firm before entering upon any of the occupations upon which a license tax is imposed by this act, to first call upon the Assessor and Collector of the county in which he may intend to follow such occupation and pay the tax required, and take a receipt for the same, setting forth the occupation and the amount of tax paid, which receipt he shall file with the Clerk of the County Court, who shall thereupon issue to him a license to follow such occupation for the term for which the license tax has been paid. It shall be the further duty of the Clerk to keep a book in which he shall enter the names of all persons obtaining a license, occupation, amount of tax paid, and date of license, which book shall at all times be open to the inspection of the County Court, and to all officers, executive or judicial of his county, a transcript of which book, certified by the Chief Justice and under the seal of the Court, he shall transmit to the Comptroller on the first day of June in each and every year; for which service the Clerk shall be entitled to a fee of one dollar in each case, to be paid by the party obtaining the license.

Sec. 7. If any person or firm shall pursue any occupation upon which a license tax is imposed by this act, without first having obtained a license, such offender shall forfeit and pay double the amount of the license tax, with costs of suit, recoverable before any Justice of the Peace of the county, or any court of competent jurisdiction, one half to be paid to the Assessor and Collector, which shall be accounted for by him and paid into the State Treasury, as other license tax is required to be paid, and the other half shall be paid to the informer.

Sec. 8. It shall be the duty of all Sheriffs, Constables, and Assessors and Collectors of taxes to arrest all persons that they shall find in their respective counties following any occupation upon which a license tax is imposed, without having first obtained a license therefor, and take him before some Justice of the Peace of his county to be dealt with as provided for in the preceding section of this act.

Sec. 9. That the taxes assessed in pursuance of this act, shall be a lien upon all property, real and personal, belonging to the person or persons so assessed, and upon whom the same

be imposed, and upon all property assessed when the owner is unknown, and shall continue to bind such property until the taxes of such person or persons shall be fully settled and paid.

Sec. 10. That an act, entitled an act, to raise a revenue by taxation, approved March 20, 1848, and all laws and parts of laws, conflicting with this act are hereby repealed. Provided, that this act shall not be so construed as to repeal any of the provisions of an act to provide for the assessment and collection of taxes, passed February 11, 1850.

Sec. 11. That this act take effect and be in force from and after its passage.

Approved, February 16, 1858.

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## CHAPTER 161.

An Act to reorganize the Eighth Judicial District, and define the times of holding Courts therein, approved the 14th of January, A. D. 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the second section of an act entitled "An act to reorganize the eighth Judicial District and define the times of holding Courts therein," be amended so as to read as follows: That the District Courts in said Districts shall be held in the several counties therein at the times herein specified, to-wit:

In the county of Bowie on the second Mondays of March and September, and may continue in session two weeks.

In the county of Cass on the second Mondays after the second Mondays in March and September, and may continue in session three weeks.

In the county of Titus, on the sixth Mondays after the second Mondays in March and September, and may continue in session two weeks.

In the county of Hopkins on the ninth Mondays after the second Mondays in March and September, and may continue in session two weeks.



In the county of Hunt, on the eleventh Mondays after the second Mondays in March and September, and may continue in session one weeks.

In the county of Fannin, on the twelfth Mondays after the second Mondays in March and September, and may continue in session two weeks.

In the county of Lamar, on the fourteenth Mondays after the second Mondays in March and September, and may continue in session two weeks.

In the county of Red River, on the sixteenth Mondays after the second Mondays in March and September, and may continue in session until the business is disposed of.

Sec. 2. That this act shall be in force and take effect from and after the first Monday in August, A. D. 1858, and the said second section of the above recited act be repealed from and after that date.

Approved, February 16, 1858.

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#### CHAPTER 162.

An Act making an appropriation for the payment of certain Public Debt of the late Republic of Texas, known as Second Class "C."

Be it enacted by the Legislature of the State of Texas, That the sum of forty thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the payment of that portion of the debt of the late Republic of Texas, for services rendered and supplies furnished, which was filed with the Commissioner of Claims and the Comptroller of Public Accounts, anterior to the first day of January, 1858, and known as Second Class "C."

Be it further enacted, That in disbursing the aforesaid amount, the Treasurer shall be governed by the laws heretofore enacted regulating the payment of public debt certificates.

Be it further enacted, That this act shall be in force from and after its passage or approval.

Approved, February 16, 1858.

CHAPTER 163.

An Act making an appropriation to pay a portion of the Second Class Debt of the late Republic.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of thirty eight thousand and fifty three dollars and twenty-three cents be, and the same is hereby appropriated for the payment of that amount acknowledged to be due Stuart Perry, by a joint resolution passed by the Legislature of the State of Texas, and approved March 15th, 1848.

Sec. 2. That this act take effect from and after its passage.

Approved, February 16, 1858.

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CHAPTER 164.

An Act supplemental to an act entitled "An act to encourage the construction of Railroads in Texas, by donations of land," approved January 30th, 1854.

Section 1. Be it enacted by the Legislature of the State of Texas, That any Railroad Company in this State, entitled to the benefits of the above recited act, having heretofore graded, or which may hereafter grade, ready for the cross ties, twenty miles of its road, shall be entitled to receive of the Commissioner of the General Land Office, certificates for four sections, of six hundred and forty acres each, per mile, on ten miles of the grade so completed, of the lands contemplated by said act; and on the completion of any additional section of five miles, such company may apply for and receive a like grant of four sections per mile, for five miles, which certificates may be alienated, or located and patented, on any vacant land of the State, in the manner provided for in said act; and if sold, the proceeds to be applied to the further construction of said road: Provided, that after the first issue of certificates herein mentioned no further certificates shall be

granted under the provisions of this act, or the act to which this is a supplement, unless satisfactory proof be made before the Commissioner of the General Land Office that the proceeds of the certificates previously issued, or of the lands patented by virtue thereof, if sold, have been applied in aid of the further construction of said road, and also a report of the manner in which such proceeds have been applied, verified by the affidavit of the President or Chief Engineer of said company, be filed in the office of the Secretary of State. And provided further, that no second issue of certificates shall be made, under the provisions of this act, unless there be at least ten miles of grade completed in advance of the section on which the certificates are granted.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved, February 16, 1858.

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#### CHAPTER 165.

An Act to provide the manner in which the Public Printer shall return his work after the adjournment of the Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That after the adjournment of the Legislature, the Public Printer shall return all work to the Secretary of State, which may be required by law, ordered by either House of the Legislature to be done, which, if correct, shall be by him approved, and the account for the same shall be audited by the Comptroller.

Sec 2. That this act shall be in force from and after its passage.

Approved, February 16th, 1858.

# JOINT RESOLUTIONS.

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## CHAPTER 1.

A Joint Resolution instructing our Senators and requesting our Representatives in the Congress of the United States to use their endeavors in procuring a Regiment of Texas Mounted Volunteers, to be raised for the protection of the Western frontier of Texas.

Whereas, Depredations and murders are constantly occurring on our borders; that a considerable mounted force has been necessarily withdrawn from our frontier; And Whereas, Major General Twiggs, commanding the troops in the Department of Texas, has recommended to the Government of the United States the great necessity of a mounted volunteer corps from Texas. Therefore,

Be it Resolved by the Legislature of the State of Texas, That our Senators be instructed, and our Representatives be requested to urge upon the Congress of the United States the passage of a law for raising and equipping, at as early a day as possible, a Regiment of Texas mounted volunteers, to serve not less than twelve months.

Resolved, 2d. That a copy of these resolutions be furnished each of our Senators and Representatives in Congress.

Passed, November 17th, 1857.

## CHAPTER 2.

Joint Resolution authorizing the Governor to raise and muster into the service of the State mounted men for the protection of the frontier.

Whereas, Many of our fellow citizens are suffering in life and property from the depredations of hostile bands of Indians, on the extreme frontiers of the State; And Whereas, the limited number of mounted Federal troops, at present stationed on our borders, are inadequate to afford protection. Therefore,

Be it Resolved by the Legislature of the State of Texas, That the Governor be, and he is hereby authorized to order out mounted volunteers, not to exceed one hundred in number, to be divided into two or more companies, as he may think proper, to be armed and equipped as he may direct, and placed upon such portions of the frontier as he may consider best for the interests of the country; said company or companies to be mustered into the service for the term of three months, and as much longer as the Governor may think necessary.

Be it further Resolved, That the sum of twenty thousand dollars, or so much thereof as may be necessary, be appropriated out of any money in the Treasury not otherwise appropriated, to defray the expenses of said company or companies; and that the pay and allowances of the troops so called into service, shall not exceed that allowed to mounted volunteers during the Mexican war; and that these resolutions take effect from their passage.

Approved, November 17, 1857.

## CHAPTER 3.

John Resolution requesting our Representatives and instructing our Senators in the United States Congress to call upon the United States Government to refund the money heretofore paid out by the State of Texas for the defence of her frontier, since the twenty-eighth day of February, 1855.

Whereas, Under the compact of annexation, the States of Texas is entitled to protection from the depredations of Indians, by the Government of the United States; And Whereas, that protection has in many instances, not been afforded to the exposed portions of the frontier, since the 28th of February, A. D. 1855, in consequence whereof the Governor of this State has, from time to time, been compelled to order Rangers or volunteers into the field to protect the lives and property of our citizens, against the predatory bands of Indians which have infested our frontier; And Whereas, the Legislature has appropriated nearly one hundred thousand dollars, out of the Treasury of the State, to pay the troops so called out, which sums of money have not been refunded to the State by the United States. Therefore,

Resolved, That our Senators in the United States Congress be instructed, and our Representatives be requested, to urge upon the Government of the United States the necessity of refunding the amount of money paid out by Texas for the defence of the frontier, at the earliest day possible; and that the Governor be requested to furnish each of our Senators and Representatives in the United States Congress, and the Secretary of War, with a copy of this preamble and resolution, accompanied by a full statement of all sums of money paid by the State for the defence of the frontier as aforesaid.

Passed, November 25th, 1857.

## CHAPTER 4.

## JOINT RESOLUTION.

Be it Resolved by the Legislature of the State of Texas, That the Commissioner of Claims be authorized to employ two additional Clerks, whose services shall be dispensed with from and after the first of January, 1858.

Be it further Resolved, That the compensation allowed said Clerks shall not exceed that of other Clerks employed in said office; and this resolution be in force from and after its passage.

Approved, 24th November, 1857.

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CHAPTER 5.

Joint Resolution recognizing the rank of Captain John G. Tod, late Texas Navy, requesting our Senators and Representatives to use their influence to procure the passage of a law incorporating him in the United States Navy, with the rank he held at the time of annexation.

Whereas, The Congress of the United States did at its last session pass an act, which was approved, March 3d, 1857, the twelfth section of which reads as follows: "And be it further enacted, that the surviving officers of the Navy of the Republic of Texas, who were duly commissioned as such at the time of annexation, shall be entitled to the pay of officers of the like grade, when waiting orders in the Navy of the United States, for five years from the time of said annexation, and a sum sufficient to make the payment is hereby appropriated; Provided, that the acceptance of the provisions of this act, by any of the said officers, shall be a full relinquishment and remuneration of all claims on his part to any further compensation on this behalf from the United States Government, and to any position in the Navy of the United States." The benefits of which act have been denied to Captain Tod, by decision of the Secretary

of the Navy of the United States, declaring the commission of Captain Tod void. And

Whereas, It is believed that the decision of the Secretary of the Navy is erroneous, and that if even technically correct, Captain Tod ought not in justice to be excluded from the benefits of said act of Congress, by any mere irregularity connected with his commission; and

Whereas, The Legislature recognize as true the brief synopsis of the history of Captain Tod's connection with the Navy of the late Republic of Texas, embraced in the report of the committee on Federal Relations, accompanying this preamble; which history proves his connection with said navy, in various capacities, from 1837 until it was surrendered to the United States, together with the flag of the Republic, and that he discharged his duties so well and so ably, that he won from the Republic which he served in her hour of darkness and danger, the plaudits most dear to the patriot: "Well done, thou good and faithful servant." Therefore,

Section 1. Be it Resolved, by the Legislature the State of Texas, That we recognize John G. Tod as entitled to the rank of Captain in the Navy of the late Republic of Texas, according to the commission issued him by President Anson Jones, on the 8th of July, A. D. 1845, and now on file in the Navy Department of the United States, and that he is properly entitled to a continuation of his pay, from the Congress of the United States, and should be so recognized by said Government, and that we recommend his case to the special consideration of the Federal Government.

Sec. 2. Be it further Resolved, That, as by accepting the five years waiting orders pay, under the aforesaid act, the officers of the Texas Navy of 1843 and 1846 have made a full relinquishment and renunciation for further compensation, and position in the Navy of the United States; that our Senators and Representatives in Congress are requested to use their influence to procure the passage of a law by the Congress of the United States, incorporating Captain John G. Tod in the Navy of the United States, in the rank which he held at the time of annexation as a "souvenir" to Texas of her Naval interest in that great event.

Sec. 3. Be it further Resolved, That the Governor be requested to cause copies of this preamble and resolutions, to-



gether with a copy of the report of the committee accompanying them, to be immediately forwarded to our Senators and Representatives in Congress.

Approved, 1st December, 1857.

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## CHAPTER 6.

### A JOINT RESOLUTION.

Be it enacted by the Legislature of the State of Texas, That our Senators and Representatives in the Congress of the United States be requested to use all proper exertions, consistent with their official duties, to procure the establishment of a mail route, by stage, from the town of Marshall, in Harrison county, to the town of Dallas, in Dallas county, via Gilmer, in Upshur county, via Quitman, in Wood county, via Greenville, in Hunt county.

Approved, January 15th, 1858.

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## CHAPTER 7.

Joint Resolution granting leave of absence from the State to the Hon. Charles A. Frazer, and A. W. Terrell.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Hon. Charles A. Frazer, Judge of the 6th Judicial District, and A. W. Terrell, Judge of the 2nd Judicial District, be allowed leave of absence from the State during any any one vacation of their Courts within the next two years from the passage hereof.

Sec. 2. That this Joint Resolution take effect from its passage.

Approved, January 15, 1858.

## CHAPTER 8.

Joint Resolution instructing our Senators and requesting our Representatives in Congress on the subject of Indian spoliation.

Whereas, certain Indians located by the United States upon territory adjacent to that of the State of Texas have at various times made descents upon citizens of this State, committing robberies and other crimes; and, whereas, it is the duty of the General Government to furnish protection against the assaults of the Indians and that that Government is consequently liable to indemnify the sufferers in such cases. Therefore,

Be it Resolved by the Legislature of the State of Texas, That our Senators in Congress are instructed and our Representatives requested to call the attention of the General Government to the frequently recurring depredations committed by Indians, and to urge the adoption of a more adequate system of protection against them.

Be it further Resolved, That our Senators be further instructed and our Representatives requested to assist those of our citizens whose property may have been stolen or destroyed by the Indians aforesaid to enforce their claims for indemnity against the General Government, in such manner as to them may seem meet and most effective.

Be it further Resolved, That the Governor is hereby requested to transmit copies of these resolutions to our Senators and Representatives, and to the President and Secretary of War of the United States.

Approved, January 16th, 1858.

## CHAPTER 9.

## A JOINT RESOLUTION.

Section 1. Be it Resolved by the Legislature of the State of Texas, That whereas, divers charges have been made against John C. Watrous, District Judge of the United States for the

Eastern District of Texas, before the House of Representatives of the United States, with a view to his impeachment, and a committee of said House has reported the following Resolution:

Resolved, That John C. Watrous, United States District Judge for the District of Texas, be impeached of high crimes and misdemeanors.

And it is required for the honor of the State of Texas, and is due to the accused, that all of said charges be promptly and fully investigated and finally acted upon: That without intending to express any opinion as to the guilt or innocence of Judge J. C. Watrous, the Representatives in Congress from this State, are hereby requested to take such steps as may be necessary to cause a full investigation to be made by the House of Representatives of the United States during the present session, of all the charges that have been made against said John C. Watrous, and to use their best exertions to cause definite action to be taken thereon.

Sec. 2. Be it further Resolved, That the Governor is hereby requested to forward to each of the Senators and Representatives in Congress from this State, and also to said John C. Watrous, a certified copy of this Joint Resolution.

Approved, January 19, 1858.

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## CHAPTER 10.

Joint Resolution requesting our Senators and Representatives in Congress to use their exertions to obtain appropriations for United States Court Houses in Texas, and the establishment of another Judicial District.

Whereas, the public interest and convenience would be greatly promoted by the ereation of suitable buildings for Post-Offices and United States Court-rooms, at the Cities of Austin and Tyler in the Western District of Texas, and at the City of Brownsville, in the Eastern District, and such other places as the United States District Court may be held, where such appropriations have not been made, and also by

the creation of another Judicial District, in Texas: Therefore, Be it Resolved by the Legislature of the State of Texas, That our Senators and Representatives in Congress be, and they are hereby requested to obtain the necessary appropriations, for the erection of such buildings.

Be it further Resolved, That our Senators and Representatives, be further requested to use their influence to procure the creation of the third Federal Judicial District in Texas, to be taken from the Western Judicial District, lying west of the Guadalupe river, and embracing the county of El Paso, and the counties on the Rio Grande, north of the Eastern District.

Approved, January 27th, 1858.

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## CHAPTER 11.

### JOINT RESOLUTION.

Section 1. Be it Resolved by the Legislature of the State of Texas, That the Treasurer is authorized to exchange the United States bonds and coupons in the Treasury, for coin at par, provided, the sum so exchanged shall not exceed one hundred thousand dollars: And provided further, that the Treasurer may pay out such United States bonds coupons, to satisfy claims on the Treasury, at par: Provided, the whole amount paid out shall not exceed one hundred thousand dollars. And that this Resolution take effect from and after its passage.

Approved, January 28, 1858.

## CHAPTER 12.

## JOINT RESOLUTION.

Be it Resolved by the Legislature of the State of Texas, That Hon. William S. Todd, Judge of the eighth Judicial District, be, and he is hereby allowed a leave of absence from the State, for two months during the present year, (1858); Provided, his absence does not take place during the regular session of his Court.

Approved, January 29th, 1858.

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CHAPTER 13.

Joint Resolution relative to the establishment of a weekly overland mail route.

Whereas, the existing mail route from San Antonio, Texas, to San Diego, in the State of California, established under An Act of the Congress of the United States, has resulted in a practical demonstration of the superiority of the southern route as a means of overland mail transportation, and whereas, notwithstanding many circumstances calculated seriously to embarrass and retard the progress of said mails, the same has been transported to and fro, within the postal schedule time, and Whereas, there exists an urgent and imperative necessity for an overland mail from the Atlantic States to the Pacific coast, to be carried weekly. Therefore,

Be it Resolved by the Legislature of the State of Texas, That our Senators and Representatives in the Congress of the United States, be and they are hereby requested to use their efforts to procure the passage of a law establishing a weekly overland mail from some point in Texas, to San Diego in the State of California, with an appropriation sufficient to enable the contractor or contractors, therefor, to erect suitable stations at convenient points along said route.

Resolved further, That the Secretary of State be requested to furnish each of the delegation from this State in the Congress of the United States, with a copy of these resolutions.

Approved, January 26th, 1858.

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## CHAPTER 14.

### JOINT RESOLUTION.

Whereas, it is a fact ascertained to the satisfaction of the Governor, that the depredations committed upon the frontier citizens of this State, are done chiefly by United States Indians, who enter our territory about the junction of the larger Wichita and Red River, near which there is no military station or post; and whereas, it is believed by many well informed citizens living on the frontier, that the Comanche and other Indians who are fed by the United States on the Texas Indian Reserve, are also directly or indirectly engaged with them in these hostile forays, which is rendering the civilizing and feeding policy of the Government unpopular, if not useless, which would not be so if it were efficiently carried out. Therefore,

Be it Resolved by the Legislature of the State of Texas, That the Governor be, and he is hereby requested to urge upon the authorities of the Federal Government at Washington, the great necessity of the immediate establishment of a permanent military post as near the junction of the larger Wichita and Red River as practicable, and the Indian Agents in charge of the Indians on the Texas Indian Reserve, be instructed to require every male Indian over the age of twelve years, to be upon the Reserve under his control every day, unless such Indian or Indians have his special written permission to be absent; and that such Agents be instructed not to permit any Indian or Indians, to be absent from said Reservations by special permission more than three days at any one time, unless they are accompanied by some white man, or men, to be sent with them by him, to prevent them from committing depredations on the citizens of the country, or communicating with other Indians not known to be at peace with Texas, or sent with white men

as guides, hunters, &c., or sent by said Agents as spies, of express bearers; and that the Agents be required to enforce these instructions, and that the Government furnish and keep constantly, at each Reserve, a sufficient military force to enable Agents to carry out such instructions. And that our Senators and Representatives in Congress be requested to co-operate with the Governor in accomplishing the objects of this Resolution, and that the Governor be requested to furnish each of them and the President and Secretary of War, and Secretary of the Interior of the United States, with a copy of the same.

Approved, January 29th, 1858.

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#### CHAPTER 15.

Joint Resolution instructing our Senators and requesting our Representatives in Congress to procure such action on the part of the United States, as will cause the Indians in Texas, west of the Pecos River to be collected upon the Reserve provided for them.

Whereas, the Indians within the limits of Texas west of the Pecos River, are of a roving character without permanent habitations, and subsist mainly by depredations upon the stock and other property of the citizens of Texas residing in that portion of the State, and whereas the State of Texas has made a liberal provision for said Indians by an appropriation of land to be selected by an agent for them to be appointed by the United States Government, for the purpose of collecting and permanently settling thereon and there to be taught the arts of agriculture and civilization under the superintendence, control and management of said agent, whereby the citizens of the State will be relieved from the continued losses sustained by the predatory incursions of said Indians. Therefore,

Section 1. Be it Resolved by the Legislature of the State of Texas, That our Senators and Representatives in Congress be requested to use all proper means to force the ap-

pointment by the Government of the United States, of a competent Agent to select a proper location west of the Pecos River within the limits of Texas upon which to settle the Indians, inhabiting that section of the State, in accordance with the provisions of An Act supplementary to An Act entitled An Act relating to the Indians of Texas, approved February 6th, 1854, approved February, 1856, and that said Agent be instructed to collect and settle said Indians upon such location so made, as aforesaid.

Sec. 2. Be it further Resolved, That His Excellency the Governor be requested to forward a copy of these Resolutions to each of our Senators and Representatives in Congress.

Approved, January 29, 1858.

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## CHAPTER 16.

### JOINT RESOLUTION.

Section 1. Bt it resolved by the Legislature of the State of Texas, That our Senators and Representatives be requested to use their influence in Congress to procure the establishment of a four horse line of mail coaches to run between Tyler in Smith county, and Waco in McLennan county, via Athens, Corsicana and Dresden, to make regular connections with the line now established between Austin and Waco, and make the same number of trips made by that line.

Approved, February 2d, 1858.



## CHAPTER 17.

Joint Resolution for the relief of the heirs of D. Rowlett, deceased.

Section 1. Be it resolved by the Legislature of the State of Texas: That upon the requisition of the Judge of the sixteenth Judicial District, the Commissioner of the General Land Office is hereby required to permit the original certificate for one-third of a league of land, issued to Andrew Pinoro by the Board of Land Commissioners of Fannin county, on the 26th of April, 1838, to be withdrawn from the General Land Office, for the purpose of being used as evidence in the trial now pending in the District Court of Collin county in the case of the heirs of D. Rowlett vs. Curtis Moore. Provided, that a copy of said certificate shall be retained in the General Land Office, and the original returned to that Office after the determination of said suit.

Sec. 2. That this Resolution take effect from and after its passage.

Approved February 3, 1858.

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CHAPTER 18.

Joint Resolution authorizing and requiring the Governor and Comptroller to contract for re-modeling and re-covering the Capitol and old Land Office, and re-modeling the galleries of the Capitol.

Resolved by the Legislature of the State of Texas, That the Governor and Comptroller be, and they are hereby authorized and required to contract for the re-modeling of the roofs, and the re-covering of the Capitol building and the old Land Office in a good and substantial manner, and of fire-proof materials, to be guaranteed to stand good for ten years. They shall also cause the galleries of each Hall in the Capitol to be re-modeled and seats prepared in them in such a man-

ner as to accommodate spectators. Provided, the same shall not cost more than eight thousand dollars for both buildings; which sum of eight thousand dollars, or so much thereof as may be necessary for that purpose, is hereby appropriated. And that this Joint Resolution take effect from its passage.

Approved February 4, 1858.

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## CHAPTER 19.

Joint Resolutions relative to the portrait of the late Abner S. Lipscomb.

Section 1. Be it Resolved by the Legislature of the State of Texas, That the portrait of the late Abner S. Lipscomb, executed by the artist Alexander Ford, and by him tendered as a gift to the State, be accepted; and the thanks of the Legislature are hereby tendered to the donor.

Sec. 2. That the Governor of the State is hereby requested to receive in charge said portrait, and cause the same to be inclosed in a suitable frame, and placed in the room of the Supreme Court at Austin.

Sec. 3. That the Secretary of State transmit to Mr. Ford a copy of these Resolutions.

Sec. 4. That one hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated to carry out the object of these Resolutions.

Sec. 5. That these Resolutions take effect from and after their passage.

Approved February 6, 1858.

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## CHAPTER 20.

### JOINT RESOLUTION.

Section 1. Be it Resolved by the Legislature of the State of Texas, That the Comptroller be and he is hereby autho-

rized and required to pay over to S. A. Maverick, Treasurer of the San Antonio and Mexican Gulf Railroad Company, any funds collected or received by him for the use of said railroad, by virtue of the 12th section of an Act to incorporate the San Antonio and Mexican Gulf Railroad Company, approved September 5, 1850.

Sec. 2. That this Resolution shall take effect from and after its passage.

Approved, February 6, 1858.

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## CHAPTER 21.

Joint Resolutions recognizing the rank of Commander P. W. Humphries, late Texas Navy, at the date of the annexation of Texas to the United States.

Section 1. Be it resolved by the Legislature of the State of Texas, That we recognize P. W. Humphries as entitled to the rank of Commander in the Navy of the late Republic of Texas, from the third day of July, 1839, up to the date of annexation; and that, as such officer, he is entitled to pay according to rank, under and by virtue of the provisions of an Act of the Congress of the United States, approved March 3d, 1857.

Sec. 2. That a certified copy of these Resolutions be furnished to Commander Humphries, upon application for the same, by His Excellency, the Governor.

Passed February 12, 1858.

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## CHAPTER 22.

### JOINT RESOLUTION.

Section 1. Be it Resolved by the Legislature of the State of Texas, That the Secretary of the Senate and Chief Clerk

of the House of Representatives, be authorized and required to make an alphabetical index to all the Special and Private relief laws, and Acts of incorporation, which have been heretofore passed by the Consultation, Congress of the late Republic, and Legislature of the State of Texas; and that the sum of six hundred dollars or so much thereof as may be deemed necessary by the Secretary of State, to pay for such work, be and the same is hereby appropriated to carry into effect the provisions of this Joint Resolution.

Sec. 2. That this Joint Resolution take effect from its passage.

Approved February 15, 1858.

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## CHAPTER 23.

### JOINT RESOLUTION.

Whereas: There is a considerable balance remaining in the Treasury of the United States, of the appropriation made by the Act of Congress, providing for the payment of a certain portion of the public debt of Texas, passed on the 28th February, 1855, owing, mainly, to the loss of securities by holders of the same. And whereas, under these circumstances, those parties may never be able to make the necessary exhibition of Texas liabilities at that Department to enable them to obtain the money due them, and will be compelled to apply to the State Legislature for relief; and whereas, Texas is entitled to any and all balances in the Treasury of the United States which has not been paid to the creditors under the Act of Congress above referred to; therefore,

Be it resolved by the Legislature of the State of Texas, That our Senators and Representatives in Congress be, and they are hereby requested to use every exertion in their power to obtain the passage of a law by Congress, authorizing the payment of any balance remaining in the Treasury aforesaid, over to the accredited agent of the State of Texas.

Resolved, That the Governor of Texas be, and he is hereby requested to furnish each of our delegation in Congress with a copy of this Resolution.

Approved February 16, 1858.

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#### CHAPTER 24.

Joint Resolution is relation to the Indians residing in the counties of Polk and Tyler.

Section 1. Be it Resolved by the Legislature of the State of Texas, That the Governor of the State be, and he is hereby authorized to remove the Indians located and now residing in the counties of Polk and Tyler, under and by virtue of an Act entitled an Act for the relief of the Coshatee Indians, approved August 30th, 1856, from said Polk and Tyler counties, and provide a permanent home for and settle them, in such manner and at such place as to him may seem expedient and for the welfare and benefit of said Indians. Provided, such removal shall not take place unless the consent of said Indians thereto shall first be given through their Chiefs, to be ascertained and reported to the Governor by an agent, to be appointed by him for the purpose of negotiating for such consent; and provided further, that the lands, upon which said Indians are now settled, shall, when abandoned by them, under the provisions of this Act, be and remain reserved from location, except upon such terms and conditions as the Legislature may hereafter prescribe.

Sec. 2. That the sum of five thousand dollars is hereby appropriated to carry out the provisions of the first section of these Resolutions; and the State Treasurer is hereby required to pay said sum out of any moneys not otherwise appropriated, upon a warrant or warrants drawn by the Governor by virtue hereof.

Sec. 3. That these Resolutions shall take effect from and after their passage.

Approved February 16, 1858.

## CHAPTER 25.

Joint Resolution proposing an amendment to the State Constitution.

Section 1. Be it Resolved by the Legislature of the State of Texas, That the 3rd Section of the 10th Article of the Constitution of the State shall be so amended as to read as follows, viz:

Section 3. All public lands, which have heretofore, or which may hereafter be granted for public schools to the various counties in this State, may be sold by the County Courts of each county to which the lands belong, or by such tribunals as may succeed to their jurisdiction, by consent of a majority of the legal voters in said counties, and under such general rules as the Legislature may, from time to time, prescribe. Provided, that the principal of the proceeds of the sale of such lands shall be retained, and invested as a permanent school fund for the counties owning the same, and the interest only shall be used for educational purposes.

Approved, February 16, 1858.

## CHAPTER 26.

Joint Resolutions in response to Governor's Message on Kansas Affairs.

Whereas, There exists, and has existed, a violent determination on the part of a portion of the inhabitants of the Territory of Kansas, to exclude, by force, the citizens of the slaveholding States from a just, equal and peaceful participation in the use and enjoyment of the common property and Territory of the members of the confederacy;

And, Whereas, This determination, owing to the state of political feeling in the Northern States of the confederacy, operating upon the Federal Government, may become effectual, and the exclusion perpetual—Therefore,

1st. Be it Resolved by the Legislature of the State of Texas, That the Governor of this State is hereby authorized to order an election for seven Delegates, to meet Delegates appointed by the other Southern States, in Convention, whenever the Executives of a majority of the slaveholding States shall express the opinion that such Convention is necessary to preserve the equal rights of such States in the Union, and advise the Governor of this State that measures have been taken for the appointment of Delegates to meet those of Texas. And that the sum of ten thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, to pay the mileage and per diem of such Delegates, which shall be paid at the rate paid to members of the United States Congress, according to the law in force in the year 1854.

2d. That should an exigency arise, in the opinion of the Governor, in which it is necessary for the State of Texas to act alone, or by a Convention representing the sovereignty of the State, he is hereby requested to call a Special Session of the Legislature to provide for such State Convention.

3d. That the Governor is requested to transmit copies of these resolutions to the Executives of each of the slaveholding States, and to our members of Congress.

Approved, February 16th, 1858.

## STATE OF TEXAS.

I, T. S. Anderson, Secretary of State of the State of Texas, certify that the session of the Seventh Legislature of said State commenced, at the city of Austin, on Monday, the second day of November, in the year one thousand eight hundred and fifty-seven, and adjourned on Tuesday, the sixteenth day of February, in the year one thousand eight hundred and fifty-eight.

And I further certify, That the Acts and Joint Resolutions contained in this volume are true copies, taken from the original rolls deposited in the Department of State, with which they have been carefully compared.

Given under my hand and official seal, the 30th day  
[L. S.] of March, in the year one thousand eight hundred and fifty-eight.

T. S. ANDERSON.





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**SPECIAL LAWS**

**OF**

**THE SEVENTH LEGISLATURE**

**OF**

**THE STATE OF TEXAS**

---

**PUBLISHED BY AUTHORITY**

---

**AUSTIN**  
**1858**

1911

1912

1913

1914

1915

# SPECIAL LAWS

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## CHAPTER 1.

An act to revive and continue in force, and supplemental to and amendatory of An Act to incorporate the San Antonio and Mexican Gulf Railroad Company, approved, September 5th, 1850, and the several supplementary and amendatory, Acts concerning said Railroad.

Section 1. Be it enacted by the Legislature of the State of Texas, That An Act entitled An Act to incorporate the San Antonio, and Mexican Gulf Railroad Company, approved, September 5th, 1850, and the several supplementary and amendatory Acts concerning said Railroad, be and the same are hereby revived and continued in force in accordance with the provisions of said original act, and acts supplementary and amendatory thereto, and on the terms and conditions hereinafter mentioned: Provided, That this act of revival shall not be so construed as to render liable any person or persons for the payment of any unpaid balance of the capital stock of said company who would not have been so liable without the passage of this act.

Sec. 2. That the eighteenth section of the act entitled, an act to incorporate the San Antonio and Mexican Gulf Railroad Company, approved, September 5th 1850, be so amended that the same shall hereafter read as follows, to wit:

That at least twenty-five miles of said Railroad shall be completed in running order, by the first day of January, 1860, otherwise this charter shall be null and void.

Sec. 3. That the proviso to the third section of an act entitled an act supplementary to an act to incorporate the San Antonio Railway Company, approved, September 5th,



1850, approved, February 14th, 1852, be so amended that the same shall hereafter read as follows, to wit:

That no land shall be donated in accordance with the provisions of this act, unless five miles of said road shall be completed on or before the last day of January 1858.

Sec. 4. That the fourth section of an act, entitled an act supplementary to an act to incorporate the San Antonio Railway company, approved September 5th, 1850, approved February 13th, 1854, be so amended that the same shall hereafter read as follows, to wit:

That in case the San Antonio and Mexican Gulf Railroad Company, shall accept the benefits of this act, they shall no longer have the privilege of branching said road; and if twenty-five miles of said road be not completed and equipped on or before the first day of January, 1860, then said charter shall become null and void, and said Company shall forfeit all their rights and privileges.

Sec. 5. That the first section of the act, entitled, an act, supplemental to an act to incorporate the San Antonio and Mexican Gulf Railroad, approved, September 5th, 1850, and the supplements thereto, approved, February 20, 1856, be and the same are hereby repealed.

Sec. 6. That if said San Antonio and Mexican Gulf Railroad Company shall complete twenty-five miles of their road, on or before, the first day of January 1860, they shall be entitled to receive therefor sixteen sections of land per mile, under the provisions of an act entitled an act to encourage the construction of railroads in Texas, by donations of land, approved January 30, 1854, and upon the completion of twenty-five miles of said road, within each year after the first day of January, 1860, the said company shall be entitled to receive sixteen sections of land per mile therefor under the provisions of said act, until the same be repealed or expire by limitation.

Sec. 7. That said Company shall be entitled to all the benefits of an act entitled an act, to provide for the investment of the Special School Fund, in the bonds of Railroad Companies, incorporated by the State, approved, August 13th, 1856: Provided, said Railroad Company in all things shall comply with the terms and conditions of said law, as it now exists, or as it may hereafter be amended by the Legislature of the State of Texas.

Sec. 8. That the town of Lavaca, on Matagorda Bay, be,

and the same is hereby declared the Eastern terminus of said San Antonio and Mexican Gulf Railroad.

Sec. 9. That the capital stock of said Company for the present, shall not exceed one million dollars, which may be increased from time to time, by the consent of two-thirds of the stockholders in amount so as not to exceed two millions five hundred thousand dollars.

Sec. 10. That this act take effect, and be in force from and after its passage.

Approved, November 14, 1857.

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## CHAPTER 2.

### An Act for the relief of John Barton.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue patent on the headright certificate issued to John Barton, by the Board of Land Commissioners of Red River county, on the 5th day of January A. D. 1846, for one third of a league, as though the said certificate had been issued according to law: Provided, he has not heretofore received a headright certificate; and that this act take effect and be in force from and after its passage.

Approved, November 18, 1857.

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## CHAPTER 3.

An Act for the relief the Galveston, Houston and Henderson Railroad Company, and in amendment of the act of incorporation thereof, and of the acts amending the same and in addition thereto.

Section 1. Be it enacted by the Legislature of the State Texas, That the benefits and privileges granted to the said

Galveston, Houston and Henderson Railroad Company, in and by the first section of an act entitled an act supplementary to and amendatory of an act to amend an act, supplementary to an act to establish the Galveston, Houston and Henderson Railroad Company, approved, January 10, 1854, and approved, January 23d, 1856, which was approved, July 24th, 1856, be the same is hereby renewed, extended and continued in force; and all penalties and forfeitures incurred by said Railroad Company by reason of the failure to complete the forty miles of road mentioned and specified in the second section of said recited act, be, and the same are hereby released and remitted: Provided, always, and the said release and remission is upon the express stipulation and condition that the fifteen miles of road which remain incomplete and unfinished of the said forty miles, shall be fully completed and finished in good running order on or before the first day of November, 1858.

Sec. 2. That if said Galveston, Houston and Henderson Railroad Company, shall from and after said first day of November, 1858, build, construct and finish, so that the same is in good running order, so much of their road every year as is now, or may hereafter be required under and by the provisions of the act of the Legislature of the State of Texas, passed, January 30th, 1854, and entitled an act to encourage the construction of Railroads in Texas, by donations of land, or as may hereafter be required under the provisions of any amendment that may hereafter be made to said act, then said Company shall be entitled to receive from the State sixteen sections of land a mile therefor, under the provisions of said act of January 30th, 1854, until said act be repealed or expire by limitation.

Sec. 3. That this grant is made and extended upon the express condition, that the terms and conditions mentioned in and imposed by the third section of the said recited act of July 24th, 1856, have been accepted and performed by said Railroad Company, and that said Company shall hereafter be liable and bound in all respects, for all debts incurred and contracts hereafter made by it in the same manner and with the same effect as it was previous to the first day of November, 1857.

Sec. 4. That this act shall take effect and be in force from and after its passage.

Approved, November 20, 1857.

CHAPTER 4. .

An Act for the relief of the legal representatives of Eli Hart, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be and he is hereby authorized to issue to the legal representative of Eli Hart, deceased, formerly of the State of New York, a duplicate of stock certificate No. 5004, created under the act of June 7th, 1837, par \$642 77-100 dollars, now standing on the books of the stock Commissioner, in the name of the said Eli Hart, upon said representative entering into bond to the State, with two securities, that the original shall never become a charge against this State.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved, November 28th, 1857.

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CHAPTER 5.

An Act to incorporate the Casino Association of San Antonio.

Section 1. Be it enacted by the Legislature of the State of Texas, That Lewis Zork, A. Nette, A. Schloemaun, Charles Elmeridorf and H. F. Oswald, together with their associates, be and they are hereby constituted a body politic and corporate for social purposes, and for the encouragement literary pursuits, under the name and style of "the Casino Association of San Antonio," and by that name shall have succession, and be capable of suing and being sued; of defending and being defended in any of the Courts of this State: to acquire and to hold estate real, personal and mixed, to encumber, sell or otherwise alienate the same, as said Association may deem expedient. Provided, the amount of property held by said corporation shall at no time exceed fifty thousand dollars.

Sec. 2. That said Association shall have power to enact

rules and regulations for its government, and to alter the same.

Sec. 3. That this act take effect from and after its passage.

Approved, December 7, 1857.

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#### CHAPTER 6.

An Act to change the name of Leander Milton Nealy, to Leander Milton Stone.

Section 1. Be it enacted by the Legislature of the State of Texas, That the name of Leander Milton Nealy, a minor reared from his infancy by Thomas J. Stone, of Cass County, be and the same is hereby changed to Leander Milton Stone, Provided, the said Thomas J. Stone, shall file in accordance with existing laws, an act adopting the said minor. And that this act shall take effect from and after its passage.

Approved, 11 December, 1857.

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#### CHAPTER 6.

An Act for the relief of Andrew J. Coupland.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be authorized and required to issue to Andrew J. Coupland, a certificate for four hundred and sixteen acres of land in satisfaction of this amount of land contained in patent, No. 379, Vol. 6. issued to Josiah Thomas, and being the amount of conflict in said patent, with the survey of W. Ferguson, for one fourth league.

Sec. 2. That said certificate may be located upon any vacant and unappropriated land of the State, and this act take effect and be in force from its passage.

Approved, 14 December, 1857.

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#### CHAPTER 8.

An Act to amend an act to incorporate the town of Greenville:  
Approved, February 14th, 1852.

Section 1. Be it enacted by the Legislature of the State of Texas, That the second section of the above entitled act be so amended as to read as follows: That the limits of said corporation shall be one half mile square of which the Court House of the county of Hunt in the said town of Greenville, shall be the centre.

Sec. 2. That this act shall take effect from its passage.

Approved, 15th December, 1858.

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#### CHAPTER 9.

An Act authorizing the Commissioner of the General Land Office to issue a duplicate certificate to Levi Korn, on certain conditions.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be authorized to issue a duplicate certificate for six hundred and forty acres of land, to Levi Korn, upon the party applying for the same, filing in his Office an affidavit of Robert H. Taylor, to the effect that Thomas Wm. Ward, did issue to said Korn, a certificate for six hundred and forty acres of land in accordance with the provisions of An Act entitled An Act for the relief of Levi Korn, approved February 10th, 1852. Pro-

vided, the said Ward has never made any return to the General Land Office of issuance of said certificate.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved 16th December 1857.

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## CHAPTER 10.

An Act for the relief of the heirs of Jacob Becker, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby authorized and required to issue a patent to District Court Certificate of Jasper county, to the heirs of Jacob Becker, deceased, for two-thirds of one league and one labor of land, dated the 27th day of April, A. D. 1849, issued by H. Good, Clerk, and approved by J. M. Ardrey, special Judge; and that this Act take effect from and after its passage.

Approved December 17, 1857.

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## CHAPTER 11.

An Act for the relief of Luciano Navarro.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Treasurer be and he is hereby authorized and required, to pay to Luciano Navarro, the sum of four hundred and thirty-seven dollars and sixty-two cents, upon his signing a receipt therefor, and a full release and acquittance of the State, for and on account of all supplies and property taken, used, or destroyed by the Army, or in the war of Texian Independence.

Sec. 2. That this Act be in force from and after its passage.

Approved 17th December, 1857.

CHAPTER 12.

An Act for the relief of Louisa Warren.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby authorized and required, to issue to Louisa Warren, minor heir of Joseph M. Warren, deceased, a patent to three hundred and twenty acres of land, situated about nine miles S. 32, E. from Athens, on the waters of Catfish Bayou, a tributary of the Trinity river, and in the county of Henderson; the same being a survey made for Stephen W. Mims, on the 26th of December, 1850, by Samuel Huffer, Deputy Surveyor, as a pre-emption claim; provided said survey is made in accordance with the law; and that this Act take effect from and after its passage; and provided further, that the usual patent and other fees shall be paid before the delivery of the patent.

Approved 17th December, 1857.

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CHAPTER 13.

An Act for the relief of Lazaro Garza.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby authorized and required, to issue to Lazaro Garza, a certificate for one league and one labor of land, as a headright which may be located upon any of the public domain; and that this Act take effect and be in force from and after its passage.

Approved 19th December, 1857.



## CHAPTER 14.

## An Act for the relief of William Lee.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and the same is hereby authorized and required, to issue a patent to William Lee, for three hundred and twenty acres of land, upon the pre-emption survey, (No. 280,) two hundred and eighty in Upshur county; provided, he shall pay the usual fees for such pre-emption lands; and that this Act take effect and be in force from and after its passage.

Approved 21st December, 1857.

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## CHAPTER 15.

## An Act for the relief of Benjamin F. Ellis.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby authorized and required, to issue to Benjamin F. Ellis, a patent upon certificate No. 79, proven up in Liberty county, for three hundred and sixty-nine acres as though the same had been legally issued.

Sec. 2. And that this Act take effect from and after its passage.  
Approved 21st December, 1857.

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## CHAPTER 16.

## An Act to incorporate the Richmond Masonic Hall Association in Fort Bend County.

Section 1. Be it enacted by the Legislature of the State of Texas, That Theophilus Simonton, David Randon, James

L. Chambers, John H. Herndon, Ben. F. Atkins, James S. Sullivan, and their Associates, be and they are hereby constituted a body politic and corporate by the name and style of the Richmond Masonic Hall Association, with power and authority in their corporate capacity, to build, own and control a Masonic Hall, in the town of Richmond, in the county of Fort Bend; to have succession and make contracts, to acquire by purchase or otherwise, property, real and personal, to sell, mortgage, and convey the same in their corporate name at pleasure, and of doing and performing whatever else they may deem necessary and proper, in carrying out the objects of said Association, not contrary to the laws and constitution of the State; to have a seal and the same at pleasure to alter, with capacity to sue and be sued, to plead and be impleaded.

Sec. 2. That the capital stock of said Association, shall not exceed the sum of one hundred thousand dollars. There shall be elected by the stockholders of said Association, within one year from the passage of this Act, a Board of not more than seven Directors, who shall hold their office for one year, or until their successors are elected and qualified to act. That said Board of Directors and their successors shall have power to make such by-laws and regulations for their Government, as they may deem proper, to provide for the time and mode of electing their successors by the stockholders. They shall have power to elect such officers of their Board as they may deem expedient for the proper and efficient management of the affairs of said Association.

Sec. 3. That this Act take effect from its passage.

Approved 21st, December, 1857.

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## CHAPTER 17.

### An Act for the relief of Eli H. Page.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be authorized and required, to issue a patent to Eli H. Page, for two hundred and seventy-six and 18-100 acres of land, as

a pre-emptor, according to the field notes of a survey made for George L. Ray, in the county of Wood, on the waters of Big Sandy, upon the payment of all dues and fees by said Page, according to the provisions of the law under which said Ray made his settlement.

Sec. 2. That this Act be in force from its passage.

Approved December 24, 1857.

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## CHAPTER 18.

### An Act for the relief of Abel Morgan.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller is hereby required to issue to Abel Morgan, a draft on the Treasury of the State, for the sum of two hundred and eighty-one dollars and twenty-five cents, being the amount due him for Military services, in the year 1835; and the Treasurer is hereby required to pay the said sum of two hundred eighty-one dollars and twenty-five cents, which is hereby appropriated out of any monies in the Treasury not otherwise appropriated; and that this Act take effect and be in force from and after its passage.

Approved December 24, 1857.

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## CHAPTER 19.

### An Act to incorporate Colorado College.

Section 1. Be it enacted by the Legislature of the State of Texas, That A. M. Campbell, G. W. Smith, J. Scherer, S. Hirsbert, Jacob Scherer, C. W. Tait, John Toliver, G. Scherer, C. Windrow, M. R. Kennedy, W. J. Darden, H. E. Dordt, D. Draub, G. Metz, F. G. Schulz, M. M. Scherer, A. L. Wirtz, L. Theelmeyer, H. Merseburger, R. L. Scherer, Isaac

Tooke, R. V. Cooke, E. P. Whitfield, P. Riley, and J. G. Logue, and their successors in office, be and they are hereby constituted a Board of Trustees, of an Institution of learning established in or near the town of Columbus, Colorado county, which said Institution is incorporated by the name of "Colorado College;" by which name it may sue and be sued, plead and be impleaded, buy and sell property, real estate, personal or mixed, and hold the same, not to exceed in value the sum of two hundred thousand dollars; and generally to do any and everything they think proper for the promotion and interest of the Institution, not repugnant to this Act of incorporation, the Constitution and laws of the United States or of this State.

Sec. 2. That the trustees, in case of a vacancy in the Board, whether by death, resignation or otherwise, shall have the power, and are hereby required, to fill the said vacancy or vacancies, by election at their regular meeting, which election shall be made by ballot.

Sec. 3. That the Board of Trustees shall consist of twenty-five members, a majority of whom, shall be members of the Evangelical Lutheran Church, as it stands connected with the general Synod of the United States.

Sec. 4. That seven members of the Board of Trustees shall constitute a quorum for the transaction of all business relating to the College, except the election of the President of the College, and the carrying into effect Section 9th of this Charter, in which case, two-thirds of the whole Board shall constitute a quorum.

Sec. 5. That the Board of Trustees shall have power to elect annually, by ballot, out of their number a President, Secretary, Treasurer, and such other officers as they may think proper.

Sec. 6. That before the Treasurer shall enter upon the duties of his office, he shall execute a bond with securities, to be approved by the Board of Trustees, conditioned faithfully to perform all the duties of his office.

Sec. 7. That the Board of Trustees shall meet at least once annually, and may be convened at any time at the request of the President and Secretary, by a notice, stating the object of the meeting, signed by the Secretary, and published in a newspaper published in Columbus, or sent by mail to each Trustee; and the President shall be required to call a meeting upon the written request of the members of the Board.

Sec. 8. That this Institution shall have a common seal, which, with the signature of the President and Secretary of the Board of Trustees, shall be evidence of their acts.

Sec. 9. That the Board of Trustees may have the power of creating scholarships for the benefit of this Institution.

Sec. 10. That the lands, buildings, and all other property of this Institution, shall be free from taxation.

Sec. 11. That no sectarian or denominational tenets shall be taught in this College, provided that this Act shall not be so construed as to prevent religious exercises; and in no event shall the property, real or personal of this College, be transferred to any religious sect or denomination, or in trust, or use for either.

Sec. 12. That this College shall have the power of conferring degrees, such as are usually conferred by Colleges of the United States.

Sec. 13. And be it further enacted, That the Trustees of Herman University, with the consent of the Trustees of the College, may join and become a part of this corporation, to be governed with the property of said University, by the provisions of this Charter; provided, that this provision shall not be construed to confer or revive any right to land which may have been forfeited by Herman University to the State, nor to affect any such right to which said College may be legally entitled.

Sec. 14. That this Act take effect from and after its passage.

Approved 26 December, 1857.

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## CHAPTER 20.

An Act supplemental to An Act to incorporate Colorado College.

Section 1. Be it enacted by the Legislature of the State of Texas, That the tenth Section of the Act to incorporate the Colorado College, be and the same is hereby repealed; and that this Act take effect from its passage.

Approved December 26, 1857.

CHAPTER 21.

An Act for the relief of Matthias Ward.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be authorized and required to issue a patent for six hundred and forty acres of land, located and surveyed in the county of Cass, upon the headright certificate of James Wilson, being the same now filed in the Land Office; Provided, It does not conflict with any previous survey; And provided further, That said patent issue to said Matthias Ward, as assignee upon his filing an authenticated chain of transfer from said Wilson, otherwise, said patent to issue in the name of the grantee of the certificate.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved December 26, 1857.

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CHAPTER 22.

An Act for the relief of the heirs of George Brinlee.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be authorized and required to issue to the heirs of George Brinlee, deceased, a certificate for one-third of a league of land as assignee of John R. Carter.

Sec. 2. That said certificate, when issued, may be located, surveyed and patented upon any vacant and unappropriated public domain of the State; and this Act take effect and be in force from and after its passage.

Approved December 26, 1857.

## CHAPTER 23.

## An Act for relief of William H. Ray.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue a patent to William H. Ray, on a survey of three hundred and twenty acres of land in Smith county, by virtue of affidavit of said Ray, on the second day of February, A. D. 1847; and in accordance with said field notes and survey No. 412, and dated April 14, 1847, made by J. C. Hill, Deputy Surveyor, on condition, that said William H. Ray pay into the General Land Office twenty-one dollars.

Sec. 2. And that this Act take effect from and after its passage.

Approved December 26, 1857.

## CHAPTER 24.

## An Act for the relief of the heirs of Martin Winne.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby required to issue to the heirs of Martin Winne, a land certificate for twelve hundred and eighty acres of land; Provided, however, that such certificate shall not issue until the conditional certificate for twelve hundred and eighty acres of land issued by the Board of Land Commissioners of the county of Brazoria, to the heirs of Martin Winne, May 18th, 1838, be returned and placed on file in the General Land Office.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved, January 2nd, 1858.

CHAPTER 25.

An Act for the relief of Joseph Baker.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue a patent to Joseph Baker, assignee of William H. Brown, for three hundred and twenty acres of land, to which he is entitled by virtue of unconditional certificate, No. 125, issued by the Board of Land Commissioners of Lamar county; and that this Act take effect and be in force from and after its passage.

Approved, January 2nd, 1858.

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CHAPTER 26.

An Act to incorporate the town of Weatherford.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Weatherford, the county seat of Parker county, be, and are hereby created a body corporate and politic, by the name and style of the town of Weatherford, and by such name may sue and be sued, and may hold property real and personal.

Sec. 2. That the boundaries of said corporation shall be as follows, to-wit: Beginning at a point six hundred yards east, and six hundred yards north of the center of the public square in said town; thence to run west twelve hundred yards, south twelve hundred yards, east twelve hundred yards, and north twelve hundred yards to the beginning.

Sec. 3. That the municipal powers of said corporation shall be vested in the following officers, to be elected by the qualified electors for members of the Legislature, residing within the limits of said corporation, to-wit: One Mayor, one Recorder, four Aldermen, one Constable, and one Treasurer.

Sec. 4. That the town council be composed of the Mayor as President, and the four Aldermen, and shall have power to make all such by-laws, rules and regulations, for the government of said corporation, as they may deem necessary for the



preservation of order, peace, quiet, and general welfare of said town, and for cleaning out and keeping in repair the streets and squares, and for erecting and keeping in repair public buildings and other public works of said corporation; and to this end, may levy and collect a tax from the inhabitants, not to exceed the amount now levied by the State upon all subjects of taxation—and other subjects as they may see proper.

Sec. 5. That the Recorder shall keep a correct record of the proceedings of said council, and perform all such other public duties as shall be required of him by the same.

Sec. 6. That the Constable shall attend upon all meetings of the council, and shall execute its orders and perform all the public duties required of him by the same; and shall, before entering upon the duties of his office, take the oath and give bond, as required of other constables of the county, to be approved by the council, and recorded in the office of the clerk of the County Court for said county of Parker, and shall, thereupon, have power to execute and return all process from whatever source directed, and generally to do and perform all other duties as other constables of said county, within the corporate limits.

Sec. 7. That the Mayor and Recorder shall each give bond and take the oath, as required by law of Justices of the Peace, to be approved by the council; which bond shall be recorded in the office of the clerk of the County Court of said Parker county. Whereupon, they shall be vested with all the jurisdiction, civil and criminal, within the limits of said corporation, as Justice of the Peace, under the laws of this State; and shall have jurisdiction of all causes arising under the by-laws and ordinances of said town; and shall hold their Courts regularly for the trial of civil causes—the Mayor on the first and the Recorder on the last Saturday in each month; and all process, issued by said Mayor or Recorder, may be executed by any Sheriff or Constable, whose duty it shall be to execute and return the same as process from Justices of the Peace.

Sec. 8. That the Recorder of said town have the power to convey any property of the same upon the order of the council.

Sec. 9. That the citizens residing within the limits of said corporation shall be exempt from working on roads without the limits of said corporation, so soon as the same shall be organized, and while such organization continues.

Sec. 10. That the town council shall have power, by ordinance or by-laws, to impose fines for infractions of the town laws, not exceeding one hundred dollars in amount, and to provide for the imprisonment of offenders by the Mayor, not exceeding fifteen days for any one offence. Provided, that in all cases where imprisonment may be imposed, the accused shall have the right to demand a trial by jury, in which case the cause shall be conducted in accordance with the laws of the State regulating trials by jury in the Justices' Courts.

Sec. 11. That the first election of officers of the corporation shall be ordered and held by the Chief Justice or one of the County Commissioners for said Parker county, whenever so requested by a majority of the citizens of said town, to be conducted as other elections. Elections shall be held annually thereafter, at such times and under such rules and regulations as the council shall establish by its by-laws. Provided that if, at any time, there should be no officer of the said corporation, from any cause, an election may be again ordered as in the first instance. And that this Act take effect from its passage.

Approved January 2, 1858.

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## CHAPTER 27.

### An Act to incorporate the town of Bonham.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Bonham, in the county of Fannin, be and they are hereby declared a body corporate, by the name and style of the corporation of the town of Bonham, and by that name may sue and be sued, plead and be impleaded, and may hold and dispose of real and personal estate.

Sec. 2. That the limits of said corporation shall be one half mile each way, North, South, East and West, from the Court-House of said town.

Sec. 3. That an election for Mayor and six aldermen, a Treasurer and Constable, shall be held as soon as practicable, after the passage of this Act, by the Chief Justice or one of

the County Commissioners of the county of Fannin, according to the law governing elections generally, ten days' notice of such election having been first given by said Chief Justice, and annually thereafter for a similar purpose, an election shall be held, and conducted by the Mayor, or a majority of the Aldermen, acting at the time of such election, and the persons elected shall continue in office one year, and until their successors are duly qualified, and the annual election for Mayor and Aldermen, Treasurer and Constable, shall be held at such time and place, in the town of Bonham, as may be designated by the Board of Aldermen for the convenience of the people.

Sec. 4. That whenever a vacancy may occur in the office of Mayor, a majority of the Aldermen acting, shall order and conduct an election to fill the vacancy, and the person elected shall hold his office until the next regular election, and until his successor be duly qualified, and in case of the death, resignation or removal of any of the Aldermen, Treasurer or Constable, the Mayor shall order an election under such rules and regulations, as may be prescribed by the Board of Aldermen, to fill such vacancy. Every person who is a citizen of the State of Texas, and shall have resided within said corporate limits for the period of six months, shall be entitled to vote at all elections for corporate officers.

Sec. 5. No person shall be eligible to the office of Mayor, or Alderman, or Constable, unless such person, or persons be citizens of said town.

Sec. 6. The Mayor shall be President of the Board of Aldermen; four of the members of said Board shall constitute a quorum to transact business; said Board shall enact such By-Laws for the government of said town, not inconsistent with the Constitution and Laws of this State, as may be deemed proper, and may impose fines for the disobedience of the same, not exceeding twenty-five dollars for each offence.

Sec. 7. The Board of Aldermen shall have and exercise control over the Public Square and streets of said town, and may compel all free male citizens, over the age of seventeen years, and under that of forty-five, to work on the same; Provided, That such persons shall not be required to work more than six days in any one year, and shall be exempt from other road duties in said county, after the organization of this corporation, and the Board may impose such fines on defaulters as they may deem necessary, in which they shall be governed by the laws of the State, regulating roads.

Sec. 8. The Board of Aldermen shall have power to levy a tax, on all persons and property, both real and personal, in said town, subject to taxation by the laws of this State; Provided, That the tax on property in any one year, shall not exceed one-fourth of one per cent. ad valorem, on such property, and no tax shall be levied, unless by a vote of two-thirds of the members present, which shall be assessed and collected by the Constable in the same manner as State taxes are collected.

Sec. 9. The Board of Aldermen shall have power to appoint such additional officers, with the regulation of their duties and compensation, as may be necessary, and may require of them bond and security to the Mayor, in such sum as may be deemed necessary, to compel the efficient discharge of such duties as may be assigned them.

Sec. 10. That all offences against the By-Laws of the corporation, shall be prosecuted before the Mayor, and the trial thereof shall be governed by the law regulating Justice's Courts, and the Constable shall execute and return all writs issued by the Mayor, in the manner provided by the law; defining the duties of Constables.

Sec. 11. The Constable shall give bond and security as required of other Constables, and shall have the same powers, and shall be entitled to the same fees for similar services.

Sec. 12. The Mayor of said town shall be entitled to such fees as are allowed to Justices of the Peace for similar services.

Sec. 13. The Treasurer shall keep safely all monies of said corporation, shall pay out the same upon the order of the Board, and shall do such other duty as shall be assigned him by the By-Laws, and shall give bond and security payable to the Mayor, in such sum as may be deemed sufficient, conditioned for the faithful performance of his duties, to be approved by the Board, and shall be allowed such compensation as may be specified by the Board not to exceed two and one-half per cent, for receiving, and two and a half per cent. for disbursing the funds.

Sec. 14. That the Mayor be, and is hereby vested with all the power and jurisdiction of a Justice of the Peace, within the limits of said corporation, both civil and criminal; and he shall have power to call a jury in the trial of all causes pending before him, in like manner as is provided under the laws of the State, for the trial of causes in Justice's Courts.

Sec. 15. The books and records of the corporation shall at all times be opened for examination by any of the citizens of said town.

Sec. 16. That the Board of Aldermen shall have power to enact all such laws and ordinances as may be for the good of society, and for the quiet peace and happiness of the citizens of said corporation, not inconsistent with the Constitution and Laws of the State of Texas.

Sec. 19. That all laws heretofore passed, providing for the incorporation of the town of Bonham, are hereby repealed.

Approved January 11, 1858.

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#### CHAPTER 28.

An Act to authorize the Commissioner of the General Land Office to cancel patent No. 815, Vol. 8, issued to the heirs of Gregorio Sais, and to issue a patent to Vicente Sais.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be authorized and required to cancel patent No. 815, Vol. 8, issued to the heirs of Gregorio Sais, for four leagues of land, called "La Sal Colorado," situated in the county of Starr, and to issue a patent for the said tract to the heirs of Vicente Sais.

Sec. 2. That this act take effect from and after its passage.

Approved January 5th, 1858.

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#### CHAPTER 29.

An Act to incorporate the West Fork Mill Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Thomas Wright, of the county of Dallas,

and such other persons as he may associate with himself and their successors be, and they are hereby created and established a corporation under the name and style of the West Fork Mill Company, and under such name and style shall sue and be sued, plead and be impleaded, and have succession for 20 years, they may have a corporate seal and the right of holding property, real and personal for the purpose of carrying out the object of this incorporation, and may transfer, alienate and dispose of their joint or individual interest at pleasure.

Sec. 2. That said Company shall have the privilege of erecting a dam across the West Fork of Trinity river, for the purpose of securing the water power necessary to run a Saw, Grist and Flouring Mill, which said Company may erect upon the bank of said West Fork of Trinity river, about two miles above the junction with the Elm Fork of said river, in Dallas county. Provided, that said dam shall not be constructed to such height as to obstruct or interfere with any mill heretofore erected above and on the same stream.

Sec. 3. That this act take effect from and after its passage.

Approved February 5th, 1858.

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## CHAPTER 30.

### *An Act for the relief of the heirs of Jesse Boykin, deceased.*

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to the heirs of Jesse Boykin, deceased, an Unconditional Certificate for twelve hundred and eighty acres of land, to which they are entitled, by virtue of a Conditional Certificate, issued to the said Jesse Boykin, by the Board of Land Commissioners of Harrisburg county, on the 6th day of June, A. D. 1838; and that this Act take effect from and after its passage.

Approved January 5th, 1858.

## CHAPTER 31.

An Act to regulate and determine the pay of Grand and Petit Juries, in the County of Smith.

Section 1. Be it enacted by the Legislature of the State of Texas, That the daily pay of Grand and Petit Juries in the County of Smith shall be two dollars.

Sec. 2. That this act be in force and take effect from and after its passage.

Approved, January 6th, 1858.

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## CHAPTER 32.

An Act amendatory of an act entitled an act to incorporate the European and American Colonization Society in Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the third section of the above entitled act be so amended that the same shall hereafter read as follows: That the Shareholders or Corporators of the Company shall be liable for all debts and obligations of said Company, to the extent of the Capital Stock subscribed or owned by each.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved, January 6th, 1858.

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## CHAPTER 33.

An Act for the relief of Marila Prince.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue a Patent

to Marila Prince for one hundred and sixty acres of land, which was settled and improved by said Marila Prince and one William Newman, in the county of Shelby, under and by virtue of the pre-emption laws of the State, upon her paying the price of said land, prescribed by law. And that this act take effect and be in force from its passage.

Approved, January 7th, 1858.

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CHAPTER 34.

An Act to change the name of Taylorsville.

Section 1. Be it enacted by the Legislature of the State of Texas, That the name of the town of Taylorsville, in Wise county, be, and the same is hereby changed to that of Decatur, and that all writs and process, records and proceedings of whatever nature and kind, returnable or relating to the Courts or other tribunals of Wise county, shall be as valid and binding in law and equity, as if no change had been made in the name of said town. And that this act take effect from its passage. .

Approved, January 7th, 1858.

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CHAPTER 35.

An Act to incorporate the Lynchburg Steam Saw Mill and Ship Yard Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That John B. Sydnor, P. M. Grimes, George W. Frazer and F. W. Miller, and their associates be, and they are hereby incorporated under the name and style of the Lynchburg Steam Saw Mill and Ship Yard Company, for the purpose of establishing and carrying on a Steam Saw Mill and Ship



Yard and under that name may transfer their rights by succession and assignment, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, in all courts, and places whatsoever, and also that they and their successors by the same name and title shall be in law capable of holding and of conveying any estate, real, personal, or mixed, and doing and performing all things which are necessary for the business of said Company, and not contrary to the Constitution of the State.

Sec. 2. The capital stock of said Company, shall not be less than five thousand dollars, nor more than fifty thousand dollars, divided in shares of twenty-five dollars each.

Sec. 3. The management of the affairs of said company shall be conducted by a board of six Directors, each of whom shall own at least four shares of the capital Stock of said company, and three of said Directors shall constitute a quorum to do and perform all the business necessary to the successful operation of said company; a majority of said Directors shall appoint a President from their own number, and fill such vacancies as may from time to time take place from death, resignation, or otherwise. The election of Directors shall take place in the town of Lynchburg, at such a time as the majority of stockholders present, at their first meeting may designate, which meeting shall be called by the Chief Justice of Harris county, by notice in some newspaper published in the city of Houston, for at least five days preceding the day of the election, so soon as two hundred shares of the capital stock of said company have been subscribed, and yearly thereafter, in case of failure, to elect said Directors, the corporation shall not be dissolved for that cause but the President and Directors for the time being shall continue in office, until there be an election: Provided, also, that it shall be the duty of said Directors to call a meeting of the stockholders at an early day to elect the Directory, so omitted to be done at the regular period.

Sec. 4. Each stockholder shall have one vote for each share he may own, and may vote in person or by proxy.

Sec. 5. The President and the Directors shall have authority to adopt all such regulations and by-laws, as they may consider necessary for the proper management of the business and affairs of said company: Provided, that their by-laws shall not be inconsistent with this act or the laws of the State. And the corporation hereby created may continue

twenty years from and after the passage of this act, and no longer.

Sec. 6. That this act take effect and be in force from and after its passage.

Approved, January 11th, 1858.

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CHAPTER 36.

An Act to incorporate the Preachers Aid Society of the East Texas Conference.

Section 1. Be it enacted by the Legislature of the State of Texas, That Samuel A. Williams, J. T. P. Irvine, J. W. Fields, R. S. Finley, N. W. Burke, J. R. Belamy, Robert Crawford, Jefferson Shook, J. N. Hammill, T. M. Stovall, Samuel Lynch, J. R. Tullis, and the members of the East Texas Annual Conference of the Methodist Episcopal Church South, and their successors, be, and they are hereby created and constituted a body corporate and politic, under the name and style of the "Preachers Aid Society of East Texas Conference," with the capacity in said corporate name, to make contracts, to have succession and a common seal, to make by-laws, to sue and be sued, to plead and be impleaded, to grant and receive, to have and to hold all property of whatsoever kind, that may be granted them by gift, bequest or otherwise, to enact by-laws, rules and regulations, and generally to do and perform all acts needful and proper to carry into effect the ends of this incorporation, not inconsistent with the laws of this State or the United States.

Sec. 2. That said persons whose names are mentioned in the foregoing section, and their successors in office, are hereby constituted a Board of Commissioners to organize and manage said society, who shall elect a President, Secretary and Treasurer, from their own body, and such other officers as they may deem necessary for the purpose of carrying into effect the object of said society; and they shall have succession for ninety-nine years.

Sec. 3. Be it further enacted, That the Board of Managers shall be annually elected by the members of this society, at each meeting of the East Texas annual Conference, and shall continue in office until their successors are elected.

Sec. 4. Be it further enacted, That the object of this society is to raise a fund that shall not exceed one hundred thousand dollars, which shall be loaned out at interest by the Board of Managers, upon good and sufficient security, the interest to be paid annually and the same appropriated to the support of superannuated preachers, the widows and orphans of deceased travelling preachers of the East Texas annual Conference, and to such other benevolent and charitable purposes as said society may deem proper.

Sec. 5. That this act shall take effect from and after its passage.

Approved, January 13th, 1858.

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## CHAPTER 37.

### *An Act to incorporate the City of Indianola.*

Section 1. Be it enacted by the Legislature of the State of Texas, That the following described limits, to-wit: Beginning at a point where San Antonio Avenue strikes Matagorda bay, (see Thielopape's map of Indianola,) running back with said Avenue to Alameda; thence south-east with Alameda to Powderhorn bay thence with the meanders of Powderhorn bay and bayou to said Matagorda bay, to include the harbor in front of the limits designated, to the place of beginning, be, and the same with the inhabitants therein, is hereby created a body corporate, under the name and style of the city of Indianola, and by that name they and their successors shall be known in law, and be capable of suing and being sued, and of defending, in all Courts, and in all actions and matters whatsoever, and may have a common seal, and may alter and change the same at their pleasure; and by the same name shall be capable of holding and conveying any estate, real, personal or mixed, for the use of said corporation.

Sec. 2. That the officers of said city shall be the following,

that is to say: one Mayor, five Aldermen, one Recorder, one Marshal, and such other subordinate officers not herein mentioned for preserving the peace and well ordering the affairs of said city, as the city council shall direct. Provided, further, that the Recorder shall be ex-officio Assessor, and the Marshal ex-officio Collector of said city.

Sec. 3. That all free white inhabitants, and who are qualified electors for the county of Calhoun, and who shall have resided in said city for six months next preceding an election, shall be qualified electors for all officers to be elected under this act.

Sec. 4. That the officers named in the second section of this act, shall be elected by ballot by the qualified electors of said city, and shall hold their respective offices for one year, and until their successors are elected and qualified; and before entering upon the duties of their offices, they shall take the oath prescribed by the Constitution, and the Marshal and Recorder, as ex-officio Collector and Assessor, and Treasurer, each enter into bonds with security in such sums as shall be prescribed by the Mayor and Aldermen, faithfully to perform and discharge all the duties required of them by virtue of their office, which bonds shall be made payable to the Mayor and his successors in office, and approved by the Mayor and Board; and said oaths and bonds shall be recorded in a book to be kept for that purpose by the Recorder, and suits may be instituted on said bonds in any Court having jurisdiction thereof, for any violation of the conditions thereof.

Sec. 5. That the Mayor of said city shall be the Chief Executive Magistrate thereof, it shall be his duty to be vigilant and active in causing the laws, ordinances, and regulations of the city to be executed and enforced; to exercise a general supervision over the conduct of subordinate officers, and to cause their violations of law or neglect of duty to be punished; shall exercise the same powers and jurisdiction as a Justice of the Peace in all criminal actions, and the Marshal the same as those of a Constable in the same proceedings before the Mayor, and shall be entitled to the same fees; and provided further, that neither the Mayor or Aldermen shall be allowed any salary, and it is further provided, that the said Mayor may hold his court for the investigation of offences against the criminal laws of the State of which he has jurisdiction under this act, and of offences against the ordinances of the corporation, hereby established, and for the trial of offenders against said

laws and ordinances, at such times, and at such places within said corporation as he shall appoint; but the mode of trial, and the proceedings had in said Mayor's court, shall be the same as they are required to be in a Justice's court, under the constitution and laws of the State.

Sec. 6. That in addition to the qualifications necessary for a voter, no person shall be eligible to the office of Mayor or Alderman, who does not possess real estate within the limits of said city, of the value of three hundred dollars, according to the tax lists, that the first election for Mayor, Alderman, Recorder and Marshal, shall be held in said city on the first Monday in April, 1858, said election shall be held by the Mayor, or any Justice of the Peace residing in said city, and two judges to be chosen by him on the day of election; said Mayor or Justice shall give ten days' notice of the time and place of the election, and shall, together with said Judges, count the votes and declare the result, and the said Mayor or Justice shall give each of the officers elected a certificate of election, and administer to them the oath required by this act, and which shall be by them subscribed, and upon the organization of said board, said Mayor or Justice shall return to them a statement of the polls of said election; which shall be recorded by the Recorder in a book to be kept by him, in which shall be recorded the votes for all officers under this act, or in case of the neglect or refusal of the Mayor or Justice to act, or in their absence, any two Aldermen may order said election; and the officers so holding said election shall give certificates of election, and the Mayor shall administer to each of the officers elected, the oath herein prescribed, and one of the Aldermen shall administer the oath to the Mayor.

Sec. 7. That in case of a vacancy in any of the offices herein provided for, the Mayor, or in his absence any two of the Aldermen, shall order an election, which shall be held and conducted in the manner herein provided for the general election, and the officer so elected shall hold the office for the unexpired term of his predecessor.

Sec. 8. The Mayor and Aldermen shall by ordinance fix the time for the regular meeting of the Board, which shall be at least four times in every year, and the Mayor, or in his absence, failure or refusal to act, any two Aldermen may call special meetings at such times as he or they may deem advisable.

Sec. 9. That a majority of said Board shall constitute a quorum to do business, that the Mayor shall preside at all meetings of said board, but in case of the absence of the Mayor or his failure or refusal to act, the Aldermen present shall select one of their number to preside, which shall be noted on the minutes of their proceedings, and all the ordinances and resolutions passed by the Board, shall be signed by the officer presiding. Provided, that the Mayor shall have no vote except in case of a tie.

Sec. 10. That the Mayor and Aldermen shall have power, by ordinance to levy and collect taxes upon all real and personal property within the city, liable to taxation under the general revenue laws of the State, not to exceed one-fourth of one per cent. on the assessed value of the same; and all taxes so assessed shall be uniform on all the property in the city liable to taxation; and the money arising from said tax shall be expended within said city, or in the improvement of the harbor in front of the same; shall have power to make regulations to prevent the introduction of contagious diseases, to make quarantine laws for the purpose, and enforce the same within five miles of the city, to make regulations to secure the general health of the inhabitants, to establish a hospital, to collect through the proper officer from vessels or passengers all monies which may be demanded of them, by corporate seaport towns, for hospital purposes and maintenance, to prevent and remove nuisances, to establish night watches and patrols, to provide for licensing commission merchants, traders, and vendors of goods, wares and merchandize, taxing and regulating auctions and retailers of wines and spirituous liquors, eating-houses and taverns, billiard tables, hackney coaches, wagons, carts, drays, money changers, hawkers and pedlars, theatrical and other shows and amusements; to regulate tipling houses, gambling houses, and other disorderly houses, to establish and regulate markets, and erect market houses, to keep in repair the streets, avenues, lanes, alleys, drains and sewers, and keep the same clean; to provide for the prevention and extinguishment of fires, to regulate the storage of gunpowder and other combustible materials, to provide for the election of officers, other than such as are hereby provided for, and to fix the compensation of Marshal, Recorder, and subordinate officers, and from time to time to pass such ordinances to carry into effect the objects of this act, and the powers herein granted, as the good of the inhabitants may require, and to impose and appropriate fines and forfeitures for the breach of any of the

ordinances, and it is hereby specially made the duty of the Mayor to see that all the ordinances passed under and in pursuance of the provisions of this act, shall be strictly enforced. And it is hereby made the duty of the Mayor of said city to hear and determine all complaints growing out of the violations of any of the ordinances of said city, and to inflict such fines and penalties as shall be imposed by said ordinances, and which do not conflict with the constitution and laws of this State, or of the United States, said prosecutions shall be conducted in the name of the city of Indianola, and proceedings shall be conducted as in other cases in Justices' Courts.

Sec. 11. That in cases of epidemics the Board shall be allowed to employ a physician and suitable nurses; also in isolated cases of sickness, a physician and suitable nurses may be employed at the discretion of the Board. They may also provide for the support of paupers and others while in the hospital, and for their burial in case of death, but they shall not have power or authority to contract for and create debts, exceeding in the aggregate the sum of fifteen hundred dollars, unless the question of the creation thereof be first submitted to a direct vote of the qualified voters of said city, and approved of and sanctioned by a majority of two-thirds of the votes cast.

Sec. 12. That the said city council shall have power and authority to determine the dimensions, grade, mode of construction and paving of side-walks in the streets of said city, and to enforce the construction and repair thereof, at the cost of the proprietors and owners of adjacent lots, and shall also have power and authority to compel the owners, lessees of lots upon which pools of water have accumulated, or are likely to accumulate, or which, in the opinion of said city council, may in other respects have a tendency to engender disease, to fill them up in such mode and manner, and to conform to such a grade as the said city council have already established, or may hereafter establish, and the said power granted in this section may be enforced either by the infliction of pecuniary penalty for refusal or neglect to comply with the orders and direction of the corporate authorities in these particulars, or the said city council may cause the work to be done at the expense of the owners or proprietors of the lots, and may recover the cost thereof from said owner or proprietor, in such manner as shall be provided for by ordinance; and in any case where the owner or proprietor of the lot or lots shall be a non-resident,

it shall and may be lawful to serve all necessary notices and citations upon his or her agent, if he or she have any known agent; and if there be no known agent in said city, then by publication of such notice or citation in a newspaper published in said city, or by posting said notice and citation in two public places in said town, for the space of two calendar months, and such service upon the agent, or by publication shall in all cases be equivalent to personal service, and all expenditures made by said city council, or under its authority in the construction, paving, and repairing of sidewalks, and the grading and filling up of lots, shall be and constitute a charge and lien upon said lots, until the amount thereof, with interest thereon at ten per cent. per annum, be fully paid and discharged. Provided, that the statement of the claim of the city upon such lots, signed by the Mayor, and countersigned by the Recorder, be filed and recorded in the Clerk's office of the county court of Calhoun county.

Sec. 13. That the style of all laws and ordinances of said city shall be "Be it ordained by the Mayor and Aldermen of the City of Indianola," and all ordinances shall before they take effect, be published in a newspaper in said city for one month, or in case there should be no paper published at the time, be posted up in a public place.

Sec. 14. That it shall be the duty of the Recorder to attend all meetings of said Board. That he shall keep a book or books wherein he shall enter all the proceedings of the Board, which books shall be at all times open for the inspection of the inhabitants of the city, and shall keep and preserve in his office all records, public papers and documents, belonging to the city and shall perform other acts as shall be enjoined upon him by ordinance, and for such services shall receive a compensation determined by the Board.

Sec. 15. That the Marshal shall have and exercise, within the city of Indianola, all the powers of a Constable in cases arising under the laws and ordinances of this city, that he shall perform all other duties required of him by the ordinances of the city, in carrying out and enforcing the same, and shall receive for his services a compensation determined by the Board.

Sec. 16. That any person wishing to engage in any business in which a license shall be required by an ordinance of the city, shall pay over the amount of the tax to the Marshal, who shall give him a receipt for the same, and upon presenta-



tion of said receipt to the Recorder, he shall issue a license to the applicant, specifying the business and the length of time for which the same is granted.

Sec. 17. That the Marshal and Recorder, as ex-officio Assessor and Collector, immediately after giving bond and taking the oath of office as hereinbefore provided, shall proceed as follows, to wit: The Recorder shall assess all the property liable to taxation within the limits of said city, which assessment shall be made as provided for the assessment of property for State and County Tax, which assessment roll, when so made, shall be returned to the Board at a time to be fixed by an ordinance, and when so returned, the said Board shall examine the same, and if they find that it has been made in accordance with law, they shall proceed to hear any objections to the same, and to correct all errors which may be found therein, and shall approve and file the same. It shall then be the duty of the Recorder to make out a correct copy of said assessment, certify the same, and deliver it to the Marshal, who shall immediately advertise at what time and place he will receive the taxes thereon, and all who shall not have paid the taxes due from them, on or before a day to be fixed by an ordinance, shall be considered defaulters, a list of which shall be made out and delivered by the Marshal to the Recorder, who shall file the same, and make out a certified copy, and deliver it to the Marshal, which shall have the force and effect of an execution, and the Assessor shall immediately proceed to levy the same upon the property of said delinquents, and proceed to sell the same for the payment of said taxes, if personal property, by giving ten days' notice as is required under execution, if real estate, by giving twenty days' notice, as under execution, all property sold by virtue of said list to be sold in said city, upon the sale of any real estate, the said Marshal shall give the purchaser a certificate of said purchase designating the property sold, date of sale and amount paid immediately upon the sale of any real estate, the Marshal shall make a return to the Recorder, describing the property sold, the date of sale, the amount for which it was sold, and the name of the purchaser, which shall be entered by the Recorder, in a book to be kept by him for that purpose; the owner of any real estate sold as aforesaid shall have twelve months in which to redeem the same by paying the Recorder double the amount for which said property was sold, and all costs, and the money so received by the Recorder, shall be paid

over to the purchaser, but should the land sold as aforesaid, be not redeemed, then the Recorder shall make, execute, and deliver to the purchaser a deed for the same, which deed, when so made, executed and delivered, shall vest in the purchaser a good and perfect title in fee simple, of all the right, title and interest which the defendant had in and to said land when sold, and shall have the same effect in evidence as the deed of an Assessor and Collector under the laws of this State.

Sec. 18. That it shall be the duty of the Treasurer to receive and safely keep all money belonging to said city, and to pay out the same as may be provided by ordinance.

Sec. 19. That no member of said city council shall be eligible to any employment or office under the said corporation, which shall have been created or the emoluments of which have been increased by the council, during the time for which he shall have been elected.

Sec. 20. The council shall have authority to impose reasonable port charges on all vessels arriving at this port, and appoint officers to regulate the position of vessels in the harbor, and also to remove all wrecks or impediments to the free navigation of the harbor and of its own use, at the expense of the owner thereof, or have its owner to remove the same.

Sec. 21. That the fund known as the hospital fund, be, and the same is hereby declared sacred for the erection and maintenance of the hospital, the employment of physicians and nurses, the support of paupers and sick persons, as hereinbefore provided for, and the money so collected from passengers of vessels, shall in no case be directed from its legitimate channel.

Sec. 22. All ordinances and resolutions now in force in the city of Indianola, not inconsistent with this act, shall remain in force, until altered, modified or repealed.

Sec. 23. That an act entitled an act to incorporate the town of Indianola, passed September 1st, 1856, be, and the same is hereby repealed.

Sec. 24. That this act have effect and be in force from and after its passage.

Approved, January 13, 1858.

## CHAPTER 38.

An Act to restore Thomas Hoskins to his civil rights.

Section 1. Be it enacted by the Legislature of the State of Texas, That Thomas Hoskins be, and he is hereby restored to, and re-invested with all his civil rights, capacities and privileges as a citizen of the State of Texas.

Sec. 2. That this act be in force and take effect from and after its passage.

Approved, January 15, 1858.

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## CHAPTER 39.

An Act for the relief of the widow and heirs of James W. Majors, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized to issue a patent to the widow and heirs of James W. Majors, deceased, for three hundred and twenty acres of land, under pre-emption survey made for J. B. Majors, in the northern part of Anderson county; Provided, the fees of said survey and patent shall be paid as in other cases.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved, January 15, 1858.

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## CHAPTER 40.

An Act to incorporate the Tellico Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Company organized and doing business at Tellico, Ellis county, Texas, whereof the following persons are

officers, viz: Solomon Van Hook, of Navarro county, President; E. J. DerBad, of Anderson county; A. B. Norton, of Henderson county; Abner Johnson, of Kaufman county; William Peel, John Westbrook, Samuel W. Wybrants, John R. Rancone, of Ellis county; G. C. Richardson, of Navarro county; and F. D. Coleman, of Anderson county, Directors, and their associates and successors are hereby created and established a body corporate and politic, under the name and title of the Tellico Manufacturing Company, with capacity in said corporate name to make contracts, to have succession and a common seal, to make by-laws for the regulation and government of its affairs, to sue and be sued, to plead and be impleaded, to grant and receive, and do and perform all such acts and things as may be necessary or proper for or incident to the fulfilment of its obligations, or the maintenance of its rights under this Act and consistent with the constitution.

Sec. 2. Said Company is hereby invested with the right, power and authority to own, erect, establish, maintain, and operate a cotton and woolen manufactory, a merchant and grist mill, for manufacturing flour, and also a saw mill and machinery for cutting, planing and dressing lumber, and the carrying on of such other manufacturing business as they may see proper to engage in, with a capital stock of three hundred thousand dollars to be invested in the purchase of lands, buildings, machinery, mills, looms, spindles, carders, pickers, &c., together with the rights to erect such buildings and establish such mills, shops, &c., as may be necessary to the success of said Company, and to invest so much of the above capital stock in negroes, cotton, wool, lumber, grain, and all other goods, chattels and produce, as they may deem expedient in the prosecution of this enterprize.

Sec. 3. That the parties named in this Act as President and Directors, shall continue as such until such time as their successors shall be duly elected. The capital of said Company, shall consist of all its property, real and personal, now owned or hereafter to be acquired by them, its franchise and rights to property, and divided into shares of one hundred dollars each, each share entitling the owner thereof to one vote by himself or proxy at all meetings of the stockholders of said Company, said share shall be deemed personal estate, and shall be transferable by any conveyance in writing, recorded by the Treasurer

in books kept by him at his office, or in such manner as the By-Laws of said Company shall provide.

Sec. 4. The government of the affairs of said Company shall be vested in a Board of Directors, to consist of ten persons who shall elect one of their number President of said Company; no person shall be eligible to any office in said Company, unless he is a stockholder therein. The Directors shall be elected for one year, and shall have power to fill any vacancy that may occur in the Board from non-election, death or otherwise, and may appoint a Secretary, Treasurer, Superintendent, and such other officers or agents as they may think necessary, and prescribe and require bonds for the faithful performance of their duties; they shall have the right to pass and adopt all needful by-laws and regulations that may be necessary in the proper conduct of their business. They shall have entire control of all the financial affairs of said Company, and shall hold quarterly meetings at Tellico, at which meetings, five Directors shall be necessary to constitute a quorum to transact business; they shall keep or cause to be kept accurate records of all the meetings of the Board of Directors and Company which shall always be open to the stockholders of said Company, together with such other books as may be necessary to show at all times the amount of expenditures, receipts and disbursements of said Company.

Sec. 5. The President shall have power to convene the Board of Directors, and also all of the Company at Tellico, at any time he deems the interest of the Company requires it. He shall preside at the meetings of the Board, and in his absence, a President pro-tem. may be appointed by the Directors. All conveyances, contracts, sales or purchases, together with other business operations of the Company, shall be signed by the President, countersigned by the Secretary, Superintendent or Treasurer, as the Company may require, under the seal of the Company with the approval of the Board of Directors.

Sec. 6. The books of said Company shall remain open for subscription to the stocks of said Company, upon such terms as the Directors shall determine will be for the best interests of the Company. Any agreement in writing by which any person or persons shall become a subscriber to the capital stock of said Company may be enforced according to its terms, and if any subscriber shall fail to pay any installment called for or amount due upon his or her share or shares so subscribed, and called for by the Directors within sixty days from the date said

installment is required to be paid, the Directors may sell such share or shares of stock at auction to the highest bidder for cash in hand after first giving ten days' public notice of the time and place of such sale, upon such sale transfer to the purchaser such share or shares of such delinquent, and if the proceeds of sale shall not be sufficient to pay the amount due on said subscription with interest and charges for selling, and thereon accruing, such delinquents shall be held responsible and liable for the remainder due the Company with interest on the same at ten per cent. per annum from the date of the said public sale of the stock, until the money is collected, and if the proceeds shall exceed the amount so due the Company, with interest and charges deducted, said delinquent shall be entitled to the surplus.

Sec. 7. Said Company may acquire real estate by purchase or donation, which gift or purchase may form a part of the capital stock of said Company, or when disposed of to aid in the construction and prosecution of their manufacturing mills, &c., under the provisions of this charter. The rights, powers, privileges, and immunities hereby granted and conferred under this Act of Incorporation of said Company shall be and remain in force for twenty years from the passage of the same.

Sec. 8. All the drafts of said Company shall be drawn by the Superintendent on the President, and in favor of a third party, and to be binding on the said Company, shall be accepted by the President, writing his name officially across the face of each and affixing the seal of the Company to the same, which shall be paid out of the Company funds as they mature. And the President and Superintendent shall only be liable for the said draft to the amount of their own capital stock; Provided, That the payers or owners of such drafts shall hold a lien on the property of the Company for the payment thereof.

Sec. 9. The Superintendent of the Company shall reside upon the premises, and shall be a practical machinist and engineer, and shall devote the whole of his time to the interests of the Company, and shall have the entire control of all the machinery and hands in the employment of the Company, and the control of every other article on the said Company's premises, and shall hire the hands the Company require to carry on its operations, and shall discharge the same when he deems it the Company's interest to do so; and shall purchase all articles to be manufactured by the Company, and shall sell all articles manufactured by the Company, and shall buy and sell every

other article that the said Company may require to carry on its manufacturing operations, and shall keep account books on which shall be kept the amount of expenses of keeping the said business in operation, the amount of articles manufactured, the amount thereof on hand, the amount of material on hand to be manufactured, and every other transaction of his in which the Company is interested; the said book shall be open at all times for the inspection of any and all of the stockholders of the Company, and the Superintendent shall render a correct statement of the affairs of the Company to the President and Board of Directors at their quarterly meetings, at which time the Superintendent shall be required to pay over to the President of the Company all of the company funds then in his possession, and his quarterly accounts shall be accompanied by a report, with such suggestions as he may deem expedient for the management of its affairs. The said Superintendent shall in all things be governed by the President and Board of Directors of the Company.

Sec. 10. The President and Superintendent shall be required to give bond with good and sufficient security to be approved by the Board of Directors, in the penal sum of fifty thousand dollars for the faithful performance of the duties enjoined upon them severally. And if the said President or Superintendent of the company shall fail or neglect to discharge all the duties enjoined upon them or shall be found guilty of the embezzlement of the company funds or shall be found guilty of any misdemeanor whatever, the party so offending shall be expelled from office, and shall be subject to the penalties inflicted by the laws of the State.

Sec. 11. The Secretary of the said company shall attend all the meetings of the Board of Directors, and shall record and file all the accounts and reports of the President and Superintendent and of the Board of Directors, and shall attend to all the duties that the Board of Directors may assign him.

Sec. 12. Each subscriber who may invest capital in the stock of said Tellico Manufacturing Company, and a holder of the same, shall at all times receive the dividend when declared if any upon said stock, but should the Directors or stockholders deem it the true interest of the company to invest the profits or dividend in extending their manufacturing operations instead of distributing them among the stockholders, they may do so.

Sec. 13. Each stockholder in the capital stock of this company is hereby made liable to the company for the amounts so

scribed for by him or her and due said company, to be collected in accordance with the sixth section of this Act; provided, that no stock or share holder shall be responsible or liable for any other debts or contracts made and entered into by the President, Superintendent or Agent of said company not within the legitimate and bona fide business operation of said company, but shall be liable in proportion to the amount of his or her stock only for the bona fide debts of said company in prosecuting the works and carrying into effect the true interests and intentions of the company, in accordance with the provisions of this Act; and said liability shall be assessed, adjudged and collected in the event of failure, dissolution or loss, pro-rata upon each stockholder in proportion to the amount of stock subscribed for and paid upon by him or her, and the stock book of said company shall be the true criterion by which the liability of each stockholder is to be arrived at.

Sec. 14. This Act shall take effect from and after its passage.  
Approved, January 15th, 1858.

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## CHAPTER 41.

### An Act for the relief of John J. E. Gregory.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue a patent to John J. E. Gregory, for his pre-emption survey of 320 acres of land in Tyler county, surveyed 16th day of November, 1853, by A. N. B. Tompkins, Deputy Surveyor Liberty District, upon his paying the usual fees required by the laws under which he claims pre-emption privilege; Provided, Said survey does not conflict with any other location or survey; and that this Act take effect and be in force from and after its passage.

Approved, January 16th, 1858.



## CHAPTER 42.

An Act to incorporate the Grand and Subordinate Chapters of  
Royal Arch Masons, in the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the officers and members of the Grand Chapter of Texas, and officers and members of the Subordinate Chapters of Royal Arch Masons, now chartered, or that may hereafter be chartered by said Grand Chapter in Texas, and their successors and associates, be, and they are hereby created a body politic and corporate, by the name and style of "The Grand and Subordinate Chapters of Royal Arch Masons," with succession for twenty years, and by that name shall be capable in law of having and using a common seal, and the same to change at pleasure, of suing and being sued, pleading and being impleaded, answering and being answered, and of defending and being defended, in all courts of this State; and may ordain and put in execution such By-Laws, rules and regulations for their government, and the management of their affairs, and change and renew the same as they may deem proper; Provided, They be not contrary to the constitution and laws of this State and of the United States.

Sec. 2. That said corporation or Grand and Subordinate Chapters of Royal Arch Masons, shall have power to acquire and hold real and personal estate, not exceeding one hundred thousand dollars in value; and from time to time, if deemed expedient, may sell and convey the same, or any part thereof, and re-invest or dispose of the proceeds, and they may make such use and disposition of their funds for educational and charitable purposes as they deem proper.

Sec. 3.. That said corporation or Grand and Subordinate Chapters of Royal Arch Masons, shall have power to establish and maintain institutions of learning, and to acquire, hold and manage such fund or funds for the support thereof, not to exceed the amount of the value of the real and personal estate allowed by the second section of this Act, as they may think proper, and to appoint suitable teachers and stewards and other necessary officers, and to remove the same at pleasure; and may ordain, execute and change all laws, rules and regulations which they may deem necessary for the government thereof, not inconsistent with the constitution and laws of this State, and of the United States.

Sec. 4. That all laws or parts of laws in conflict with this Act, be, and the same are hereby repealed; and that this Act take effect and be in force from and after its passage.

Approved, January 18th, 1858.

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CHAPTER 43.

An Act to incorporate the German Free School Association of the City of Austin.

Section 1. Be it enacted by the Legislature of the State of Texas, That Wm. Von Rosenberg, Charles Pressler, Joseph Martin, H. Steussy, Dr. J. A. Brown, Wm. Sattler, Chr. Wilhelm, be and they are hereby incorporated a body politic under the name and style of Trustees of the German Free School Association, capable in law of suing and being sued, of pleading and being impleaded, of holding property real, personal and mixed, of the value of twenty thousand dollars and no more, of selling and conveying the same at pleasure, of having a common seal, of doing and performing whatsoever else may be proper and necessary to be done for the advancement of said Institution, not contrary to the laws and constitution of this State.

Sec. 2. That this charter and privilege shall extend to said Trustees and their successors in office, for such time not exceeding twenty years from the passage of this Act, as they confine the operations of the same, and the benefits thereof to the education of youth, the promotion of useful knowledge and the advancement of the sciences; and the said Institution shall be accessible to all alike without regard to religious opinions.

Sec. 3. That the Trustees of this Association shall be elected by the members of the Association, as the By-Laws may prescribe.

Sec. 4. That the members of the Association shall have full power to enact such By-Laws, rules and regulations, for the government of said Association as may deem to them necessary for that object.

Sec. 5. That the Free School herein created, shall be located in the City of Austin, Travis county; and that this Act take effect and be in force from its passage.

Approved, January 19th, 1858.

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#### CHAPTER 44.

An Act to amend "An Act to Incorporate the Bastrop Academy," approved February 7th, 1853.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Act the caption of which is above recited, be so amended that section first shall read as follows:

"Section 1. That S. W. Sims, Thomas R. J. Hill, A. W. Moore, C. K. Hall, James H. Gillespie, Josiah W. Whipple, Thomas C. Moore, and their successors in office, be, and they are hereby constituted a Board of Trustees of the Academy heretofore erected and established in the town of Bastrop, in the county of Bastrop, which is by this Act incorporated by the name of Bastrop Military Institute, by which name it may sue and be sued, buy and sell property, real, personal and mixed, and hold the same."

Sec. 2. That Section 9th be amended so as to read as follows:

"Section 9. That the Governor is appointed Inspector of the Military Institute provided for in this Act, and with five persons to be annually appointed by himself, shall constitute a Board of Visitors on the part of the State, to act in conjunction with the Board of Trustees of said Institute and the Faculty thereof, as a Board of Inspection and Examination; which Joint Board, or such portion of them as may be present at the annual commencement, shall have power to grant and confer such degree or degrees in the Arts, Sciences and learned professions, to the graduates of the Institute, and other persons deemed worthy thereof, and recommended by the Faculty, as are usually granted and conferred in other Colleges or Universities in the United States; and to give certificates thereof, or

diplomas, signed by them and sealed with the common seal of the Institute, to authenticate and perpetuate the evidences of such acts and graduations."

Sec. 3. That there be added to said Act, the following Sections, to come in after section 11th: [now section 12.]

"Sec. 12. The Faculty and students of the Bastrop Military Institute, are constituted a Military Corps, under the command of the Superintendent thereof, who shall be commissioned by the Governor, with the rank of Colonel; and the Governor is hereby authorized to issue to the officers of the Faculty and of the cadets, commissions upon the recommendation of the Superintendent.

Sec. 13. The Governor is authorized to cause arms and equipments to be issued for the use of the Institute, upon the requisition of the Superintendent, and upon his executing and delivering to the Governor his bond with two or more securities, in double the amount of the value of such arms and equipments, conditioned for the safe keeping of the same, necessary wear and inevitable casualty excepted.

Sec. 14. The Trustees hereinbefore, and in said original Act provided for, shall remain in office until their respective successors shall have been duly elected and qualified.

Sec. 15. That this Act take effect from and after its passage.

Approved, January 19th, 1858.

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## CHAPTER 45.

### An Act granting a pension to Lewis Kraatz.

Section 1. Be it enacted by the Legislature of the State of Texas, That a pension of two hundred and fifty dollars per annum, payable quarterly, is hereby granted to Lewis Kraatz during his natural life, who served in the Revolutionary War of Texas, and was in that War disabled, and the State Treasurer is hereby authorized and required to pay to said Lewis Kraatz the said amount annually for the next two years in quarterly payments, out of any money not otherwise appropriated.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved, January 19th, 1858.

## CHAPTER 46.

An Act for the relief of the heirs of Thomas Leftwick, and for the relief of Ashmore Edwards.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be, and he is hereby required to issue a headright certificate for one-third of a league of land to the heirs of Thomas Leftwick, deceased, late Captain in the Texas Army; and a headright certificate for one-third of a league to Ashmore Edwards, which certificates when issued, may be located upon any vacant and unappropriated public domain within this State, as other like certificates; Provided, Said parties have never received any headright certificates for land heretofore; and that this Act take effect from and after its passage.

Approved, January 19th, 1858.

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CHAPTER 47.

An Act to consolidate in one Act and amend the several Acts incorporating the town of Rusk, in Cherokee county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Rusk, in the county of Cherokee, be, and they are hereby declared a body corporate, by the name and style of the town of Rusk, and by that name may sue and be sued, plead and be impleaded, and may hold and dispose of real and personal estate.

Sec. 2. That the bounds and limits of said corporation shall include one square mile, to be run with the cardinal points of the compass, of which the Court House in the town of Rusk, Cherokee county, shall be the center.

Sec. 3. That no person shall be eligible to office in said corporation, unless such person shall be a qualified voter in said corporation, and unless he shall have resided in the State for twelve months, and in said corporation for three months.

Sec. 4. That the qualified voters of said corporation shall elect a Mayor and six Aldermen; and the Mayor shall hold his office for the term of two years, and until his successor shall be elected and qualified; and the Aldermen shall hold their office for the term of one year, and until their successors shall be elected and qualified.

Sec. 5. That there shall be a Constable, Treasurer, Recorder, and Attorney for said corporation, who shall hold their offices for the term of one year, and until their successors shall be appointed and qualified; and said officers shall be appointed at a regular meeting of the Board of Aldermen, by nomination of the Mayor and vote of two-thirds of the Aldermen present; said appointments shall be made as soon as practicable after the Aldermen shall have received their certificates of election; and such other officers may be appointed from time to time, under the requirements of this Act, as the Board of Aldermen shall deem necessary, and provide by ordinances.

Sec. 6. That elections for Mayor and Aldermen shall be held in the town of Rusk, at such times and place as the Board of Aldermen may designate; and said Board shall appoint judges of such elections, who shall take an oath to faithfully and impartially discharge their duties: they shall open the polls at 10 o'clock, A. M., and close the same at 4 o'clock, P. M., on the day of election, and shall, within twenty-four hours thereafter, make returns of said elections to the Mayor; or in case of his absence or inability to act, or of a vacancy in his office, then of the Recorder and Board of Aldermen to open such returns and determine the result of the elections, and immediately issue certificates thereof to the persons elected.

Sec. 7. That whenever an election for Mayor shall be contested, the Board of Aldermen shall determine such contest.

Sec. 8. That in case of vacancy in the office of Mayor, the Board of Aldermen shall order an election for a Mayor, to fill the unexpired term; and such election shall be held as provided in this Act for regular elections for Mayor and Aldermen; and in case of vacancy in the office of Aldermen, Constable, Treasurer, Recorder, or Attorney, such vacancy shall be filled at a regular meeting of the Board of Aldermen, by the nomination of the Mayor and vote of two-thirds of the Aldermen present; and the person so appointed shall hold his office for the unexpired term.

Sec. 9. In case of the temporary absence of the Mayor, the Board of Aldermen shall have the power to appoint one of their number to act as Mayor, pro tem., who shall have the same powers and privileges as the Mayor elected, and such appointment shall expire on the return of the Mayor.

Sec. 10. That the Mayor, when present, shall preside over the Board of Aldermen, and in case of a tie in the vote of the Board, shall give the casting vote; and four of the Aldermen, either with or without the Mayor, shall constitute a quorum for the transaction of business.

Sec. 11. That the Mayor, in addition to his power and jurisdiction as such, is hereby vested with all the powers and jurisdiction, civil and criminal, within the limits of said corporation, which may be, by law, exercised by Justices of the Peace under the laws of this State; and he shall be entitled to have and receive such fees as are or may be by law allowed to Justices of the Peace for similar services.

Sec. 12. That the Mayor, Constable, Treasurer, Recorder, and Attorney of said corporation, may be removed from office for any neglect, misdemeanor, or malfeasance in office, by a vote of two-thirds of the Aldermen at a regular meeting of the Board.

Sec. 13. That the Mayor and Board of Aldermen shall have the power to enact such by-laws and ordinances, for the government of said corporation, and for the quiet, peace, and happiness of the citizens of the State, not inconsistent with the Constitution and laws of the State, as may be deemed proper, and may impose fines for the violation of the same, not to exceed one hundred dollars in any one case.

Sec. 14. That the Mayor and Board of Aldermen shall have and exercise control over the public square, streets, and roads within said corporation, and may compel all male citizens of said corporation, over the age of eighteen years and under that of forty-five years, who are not by law exempt from road duty, and all male slaves over the age of sixteen years, to work on the same; provided, that such persons shall not be required to work more than ten days in any one year, and shall be exempted from all other road duty in said county; and the Board may impose such fines, for failure to work when required, as they may deem necessary.

Sec. 15. That the Board of Aldermen shall have the power to levy and provide for the collection of an ad valorem tax on property situate in said corporation, taxable by the

general laws of the State, and also the power to levy and collect a poll tax of one dollar each on all free white male citizens of said corporation, over the age of twenty-one years; which said taxes shall be collected in such manner as may be provided by the by-laws of such corporation; provided, said ad valorem tax shall not exceed one-half of one per centum on the value of the property taxed, and that it shall require the vote of two-thirds of the members of the Board to levy such tax, and the same shall be done at a regular meeting of the Board; provided, further, that all taxes, for the purpose of paving the side-walks of the public square of said town, shall be paid by the owners of the property which may front on the square.

Sec. 16. That the Board of Aldermen shall have the power to license, tax, and regulate hawkers, pedlers, auctions, theatrical and other exhibitions, shows and amusements, billiard tables, nine or ten-pin alleys, groceries, tippling houses, dram shops, and to determine the amount of tax upon the same, and to suppress gaming or gambling houses, by whatsoever name or description known, and all disorderly houses.

Sec. 17. That all the officers of said corporation shall, before entering upon their duties, take and subscribe the oath prescribed by the Constitution; and that the Mayor, Constable, and Treasurer, shall also enter into bond, with two good securities, to be approved by the Board of Aldermen, for the faithful performance of the duties of their offices, payable to said corporation in such sum as the Board of Aldermen shall require; which bonds shall not be void on the first recovery, but may be sued from time to time, in the name of any person injured by a breach thereof, until the whole of the penalty is recovered.

Sec. 18. That the Constable, in addition to his powers and privileges as such, be, and he is hereby vested with all the powers and privileges which are or may be, by law, exercised by the Constable of the beat in which said corporation is situate; and that, for all services which may be rendered by him, he shall have the same fees as are or may be allowed, by law, to Constables of the beat for similar services.

Sec. 19. That the fees of the Aldermen shall be two dollars each, for each and every regular meeting of the Board of Aldermen, at which they may be in attendance; provided, that they shall not be entitled to charge for more than twelve



meetings in any one year. That the fees of the Recorder shall be two dollars for each and every meeting of the Board, at which he may be in attendance. That the fees of the Treasurer shall not exceed five per centum upon all moneys received by him, and the same upon all moneys paid out by him. That the corporation Attorney shall be entitled to have and receive a tax fee of two dollars and fifty cents on each and every conviction under this Act and the by-laws of said corporation, which fee the Mayor shall include and tax in the bill of costs on said conviction; provided, that when any person shall have committed any offence against the laws of said corporation, and shall plead guilty of the same, said tax fee shall not be allowed and taxed, and the Board of Aldermen shall have the power to regulate the compensation of the officers of said corporation, not definitely fixed and provided for in this Act.

Sec. 20. That in all prosecutions, trials and proceedings under this Act and the by-laws of said corporation, the Mayor shall have the power to call a jury in like manner as Justices of the Peace, under the general laws of the State. And the Mayor and Constable shall be governed by the laws regulating procedure in Justices' Courts, in force at the time of said prosecutions, trials and proceedings, and shall be entitled to the same fees that Justices of the Peace and Constables are then allowed for similar services.

Sec. 21. That the first election of officers, under the provisions of this Act, shall take place on the first Monday in March, 1858; and the officers now elected and acting under the provisions of the Act of February 2, 1856, entitled an Act to incorporate the town of Rusk, in Cherokee county, shall continue to hold their offices, and to discharge the duties thereof, under his Act, until the election and qualification of the officers to be elected on said first Monday in March, 1858.

Sec. 22. That should said corporation fail to elect officers at the proper time, and there should be no acting officers for said corporation, the same shall not be dissolved by reason thereof, but it shall be the duty of the Chief Justice of said county, on the petition of any ten residents of said corporation, to order an election for Mayor and Aldermen for the same, said election to be held as elections for Justices of the Peace. The certificates of election may be given by the Chief Justice to the persons elected, and the oaths of office administered by him at any time after the votes are counted out.

Sec. 23. That an Act to incorporate the town of Rusk, in Cherokee county, approved 2d of February, 1856, and an Act approved 11th of August, 1856, to amend the second section of an Act to incorporate the town of Rusk, in Cherokee county, approved 2d of February, 1856, be and the same are hereby repealed. And that all property, actions, rights of actions, claims and demands of every nature and kind whatsoever, vested in the said corporation under and in virtue of the said laws hereby repealed, shall vest in, remain, and inure to the said corporation, under this Act, as fully and completely, in all respects, as if the said laws had not been repealed. And that all by-laws and ordinances, made or passed, under or in pursuance of the said laws hereby repealed, shall continue and remain in force until repealed by the proper corporate authorities of said town of Rusk. And this Act shall take effect and be in force on and after the 15th day of February, 1858.

Approved January 19, 1858.

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#### CHAPTER 48.

#### **An Act for the relief of Zippore Whiteside and the heirs of Henry Whiteside, deceased, and Robert Hughes, Sr.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Zippore Whiteside, and the heirs of Henry Whiteside, deceased, a certificate for one league of land, and to Robert Hughes, Sr., a certificate for one labor of land, which may be located upon any of the public domain. And that this act take effect and be in force from and after its passage.

Approved, January 20th, 1858.

## CHAPTER 49.

**An Act for the relief of the Colorado Valley Railroad Company.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the Colorado Valley Railroad Company shall be entitled to all the lands, rights and benefits granted by an act entitled an act to encourage the construction of Railroads in Texas, by donations of lands, approved January 30th, 1854, upon the terms and conditions as hereinafter set forth.

Sec. 2. Said Railroad Company shall commence said road on or before the 7th day of August, 1858, and complete the first section of twenty-five miles thereof, on or before the 7th day of August, 1860, and at least three hundred thousand dollars of the capital stock of said company shall be subscribed by the first day of February, 1859.

Sec. 3. Said company shall have their principal office or place of business upon the line of said road, and all elections for officers of said company shall be held within this State.

Sec. 4. A majority of the directors of said company shall be residents of this State.

Sec. 5. No subscription to the capital stock of said Company shall be received unless five per cent of the amount of such subscription shall be paid in cash at the time of subscription.

Sec. 6. That this act take effect from and after its passage.

Approved, January 20th, 1858.

## CHAPTER 50.

**An Act to Incorporate the Indianola Railroad Company.**

Section 1. Be it enacted by the Legislature of the State of Texas, That Henry Runge, Darwin M. Stapp, William P. Milby, D. E. Crosland, John E. Garey and William H. Woodward, be, and they are hereby appointed Commissioners to open books and receive subscriptions to the capital stock of a cor-

portation to be styled "The Indianola Railroad Company." A majority of said Commissioners, shall constitute a quorum to do business, and shall meet in the town of Indianola on the first Monday in March, 1858, or as soon thereafter as a majority thereof may agree upon; and they may appoint one or more of their own body, and such other agents as they may select, to open books at such places as they may direct, to receive subscription for the stock of said Company, and the said Commissioners shall hold meetings from time to time as their business may require. In receiving subscriptions of said stock, they shall require five per centum thereof to be paid at the time of subscribing, whether to one of their own number, or to an agent appointed by them, and any subscription to said stock upon which said five per cent is not paid, shall be void, and the party receiving the same on the part of the Company, shall be responsible to it for said five per cent. upon said stock. Provided, that certificates of said stock shall not be assignable until after the organization of said Company.

Sec. 2. That the subscribers to said capital stock, whenever they shall have selected Directors in the manner hereinafter provided, shall be, and they are hereby created and established a body corporate and politic, under the name and style of the Indianola Railroad Company, with capacity in said corporate name, to sue and be sued, to plead and be impleaded, to have succession and a common seal, to make contracts, to grant and receive, to make by-laws for its government, and for the regulation of its affairs, and generally to do and perform all such acts and things as may be necessary and proper for or incident to the fulfillment of its obligations, or the maintenance of its rights under this act, and consistent with the laws and Constitution of this State and of the United States.

Sec. 3. The capital stock of said Company shall not exceed five millions of dollars, to be divided into shares of one hundred dollars each,—each share entitling the owner thereof to one vote, either in person, or proxy, in all elections, and in other matters where the stockholders shall be called upon to vote, and a majority of the votes shall govern in all cases where it is not otherwise provided by the laws of this State regulating Railroad Companies, by this charter, or the by-laws of said Company; and the said shares of stock shall be deemed personal estate, and shall be transferable only on the books of

the Company in such manner as may be provided by the by-laws.

Sec. 4. That the immediate direction and control of the affairs of said corporation, shall be vested in a board of not less than five, nor more than nine Directors, as may be provided from time to time by the by-laws of the Company. Said Directors shall be chosen by the stockholders at their annual meetings, which shall be held on the first Monday in May of each year; they shall choose one of their own body to be President of said Company; shall fill vacancies in their board occasioned by death, or resignation; appoint a Secretary, Treasurer, and such other officers and agents as they may think proper, and require bonds for the faithful performance of their duties, make all needful rules and regulations for holding meetings, and all other things they may deem proper for carrying out the provisions of this charter, and the business of the Company. They shall keep or cause to be kept accurate books of account, exhibiting the receipts and expenditures of the Company. A majority of the Directors shall constitute a quorum to do business, and shall have the power of a full board; and all conveyances and contracts in writing signed by the President and countersigned by the Secretary, or any other officers duly authorized by the Board of Directors, under the seal of the Company, where the same is in execution of an order of said board, shall be binding and valid.

Sec. 5. That so soon as one hundred thousand dollars of the capital stock of said Company shall be subscribed, and five per cent. thereof paid to the Commissioners, they shall cause the first election to be held for Directors, first giving notice of the time and place of such election by publication in some newspaper published on the line of the road; and where said Directors so elected shall have organized, the said Commissioners shall pay over to the Treasurer of the Company, all the monies they have received upon subscriptions to the stock of the Company, and deliver to said Directors all the books and papers belonging to the Company.

Sec. 6. Said Company, when it shall be organized under the provisions of the preceding sections of this act, shall be, and is hereby invested with the right of locating, constructing, owning and maintaining a railway, commencing on Matagorda Bay, in the county of Calhoun, at or near the mouth of Powderhorn Bayou, thence running on as direct a route as practicable to connect with the San Antonio and Mexican Gulf

Railroad, at a point between the towns of Lavaca and Victoria, and not more than five miles from Lavaca. And said Indianola Railroad Company is hereby authorized to form such connection with the said San Antonio and Mexican Gulf Railroad, and run with said last named road, to or near the point where the said road shall cross the Guadalupe river, if said San Antonio and Mexican Gulf Railroad shall cross the Guadalupe river below the town of Gonzales, then on the nearest and best route to said town of Gonzales; thence on the most direct and eligible line to the city of Austin; and thence on the best practicable route to a point on the line of the Memphis and El Paso Railroad, connecting with said last named railroad, at not a greater distance than forty miles from its crossing of the Brazos river. And the said Indianola Railroad Company may proceed to survey the said route or any part thereof, and to locate the same, and to enter into contracts for its construction—all contracts being made by authority of an order of the Board of Directors entered upon their record of proceedings.

Sec. 7. Said Indianola Railroad Company, after its organization in pursuance of the provisions of this act, under the authority of the Board of Directors shall have power to receive a further subscription to the capital stock of said corporation from time to time, until the whole amount shall have been subscribed; but five per cent. of all such subscriptions shall be paid at the time of subscribing, and the Directors shall be personally liable to said Company for five per cent. of all such subscriptions as they may receive without such payment; Provided, however, that said Company may by a vote of the majority of the votes of the stockholders, issue certificates of stock to be issued in payment of any debt contracted for the construction or equipment of their road. Any agreement in writing whereby any person becomes a subscriber to said capital stock, may be enforced against him according to its terms; and if any subscriber shall fail to pay any amount due upon shares subscribed for by him, according to the terms of his subscription, the Directors may sell at auction, after giving ten days' notice as required in Sheriff's sales; the sale to take place in the county in which the Company has its domicile, and transfer the shares of such delinquent to the purchaser; and if the proceeds of such sale shall not be sufficient to pay the amount due, with interest and charges, said delinquent shall be liable to the Company for the deficiency; but

if the proceeds shall exceed the amount due with interest and charges, he shall be entitled to the excess.

Sec. 8. It shall be lawful for said Company to enter upon and purchase, or otherwise take and hold any land necessary for the purpose of locating, constructing and maintaining said railway, with all the necessary depots and other business connected with said railway; and if they shall not be able to obtain such lands by agreement with the owners thereof, they shall pay such compensation as shall be determined in the manner provided in the following section. The land so taken for the road-bed, shall not exceed fifty yards in width, and for depots and other buildings only such further width as may be necessary.

Sec. 9. Any person, when his land has been taken as aforesaid, may apply to the Chief Justice of the county where the land is situated, for the appointment of three freeholders, and said Chief Justice shall thereupon appoint a time and place to hear the applicant and the Company, to whom shall be given reasonable notice of such time and place, and said freeholders shall, after being sworn and having heard the parties, determine the compensation to be paid to the applicant, and make return of their award to the next regular term of the county court of said county, and said award may be confirmed, or upon any sufficient reason, it may be set aside by said court; if it be confirmed, judgment shall be rendered thereupon as in other cases. In determining the compensation to be paid as aforesaid, the said freeholders shall be governed by the actual value of the land at the time it was taken, with the injury which result to the adjoining land of the applicant by the establishment of said railway; Provided, that if the party claiming the compensation before the Chief Justice, shall have refused to take from the Company the amount awarded by the said freeholders, or a greater sum, before his application to the Chief Justice, and this is proven, in that case he shall pay the costs of the proceedings, otherwise the Company shall pay the same.

Sec. 10. The said Company shall have the right to charge such amount for the transportation of all produce and merchandize, or bulky freight, as the Directors may establish, not to exceed fifty cents per hundred pounds of freight for every hundred miles, the same may be transported over said railway; and for all passengers over said railway, the said Company may charge such sum not to exceed five cents per mile for each

passenger, as said Directors may establish; and said Company shall have the right to cross all public highways that they find it necessary to cross to establish and maintain said railway; but they shall be required to make such causeways over all public highways so crossed, as may be necessary for the convenient passage of the public; and if said road shall cross any navigable stream, it shall cross in such manner as not to impede navigation.

Sec. 11. It shall be the duty of said Indianola Railroad Company, and the San Antonio and Mexican Gulf Railroad Company, each to have the cars, freight and passengers of the other, without greater delay or hindrance than is required for its own cars, freight and passengers, and upon such terms and conditions as may be agreed upon by the companies. And if from any cause the said Companies cannot agree upon the terms and conditions aforesaid, then and in that case, the same shall be adjusted by arbitrators, not being stockholders of either Company, to be chosen one by each party, and if they cannot agree, the difference between them to be adjusted by an umpire chosen by the Arbitrators.

Sec. 12. The said Indianola Railroad Company shall have power to borrow money, and issue its bonds with or without mortgage; Provided, that the same be done in conformity to the laws of this State, this act of Incorporation, and the by-laws of the Company.

Sec. 13. The annual meetings of the stockholders of this Company, shall be held at the principal office of the Company, on the first Monday in May of each year, which shall be a day for the transaction of business by the stockholders, each stockholder voting as before provided; at which time the annual election of Directors shall take place. Should the stockholders owning a majority of the stock, fail to meet on that day, the Directors may appoint another day for the said election, and an election on the day appointed shall be valid. Directors elected under the provisions hereof, shall hold office until the next annual meeting, and until their successors are chosen and qualified.

Sec. 14. This Company shall be subject to all general laws now in force, or which may hereafter be in force in regard to running over the road of one Company by another, when the public interest or the interest of commerce requires it; and are authorized to form a junction or connect with any other



Company or Companies, in such manner as may best and most certainly secure the construction of their railway.

Sec. 15. The said Company shall commence the construction of their said road on or before the first day of January, 1860, and shall complete the same to connect with the said San Antonio and Mexican Gulf Railroad on or before the 30th day of January, 1861, otherwise the rights and franchises herein granted shall be forever forfeited. And the said Indianola Railroad Company shall commence and complete annually after the first day of January, 1861, twenty-five miles of their said road, until the whole is finished, otherwise they shall forfeit the right to construct said road over that portion of the route on which they shall have so failed to construct their road as aforesaid: Provided, That if any other Railroad Company or Companies shall make a complete connection between the coast or the navigable waters of the Gulf of Mexico, and the city of Austin, and shall put under contract a section of Indianola Railroad beyond said city of Austin, in the direction of the route of the Indianola Railroad Company before the said Indianola Railroad shall be completed to said city of Austin, then and in that case the said Indianola Railroad Company shall forfeit all right to continue the construction of said railroad beyond the city of Austin.

Sec. 16. This charter shall remain in full force and effect for fifty years from the completion of said railway: Provided, the conditions set forth therein are fully complied with.

Sec. 17. This Company shall be entitled to receive such donations of land as are provided for the encouragement of Internal Improvements by any general law of this State, upon the terms and conditions in such law prescribed. Provided, that unless within twelve months from the date of the first organization of said Company, there shall be an additional amount of stock taken of at least six hundred thousand dollars with five per cent. thereon paid up, then the said Company shall forfeit all right to extend beyond the town of Gonzales.

Sec. 18. This act shall take effect and be in force from and after its passage.

Approved, January 21, 1858.

CHAPTER 51.

An Act to incorporate the Eastern Texas Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Michael G. Bright, Thomas B. Lincoln, Samuel H. Witmer, and their associates, or a majority of them, be, and they are hereby created and established a body corporate and politic, under the name of "The Eastern Texas Railroad Company," with capacity in said corporate name, to make contracts, to have succession and a common seal—to make by-laws for the government and regulation of the company; to sue and be sued, to plead and be impleaded, to grant and receive, and generally to do and perform all such acts as may be necessary or proper for or incidental to the fulfillment of its obligations or maintenance of its rights under this act, and in accordance with the Constitution of the State of Texas.

Sec. 2. That the said company be, and are hereby invested with the rights of locating, constructing, owning and maintaining a Railway, commencing at Galveston Bay, or at any point between said Bay and tide-water of Sabine Bay, and thence running by such course and to such point at the town of Henderson, running through the town of Nacogdoches, as said company may deem most expedient and suitable. Provided, That if, when this road is completed to the town of Nacogdoches, the Galveston, Houston and Henderson Railroad shall have extended beyond that place on its line to Henderson, then, and in that case, the said Eastern Texas Railroad shall forfeit all right to continue their road beyond Nacogdoches, except for the purpose of connecting with said Galveston, Houston and Henderson Railroad at the nearest practicable point.

Sec. 3. That the parties named in this act, or a majority of them, with such as may be associated with them, are hereby appointed commissioners and invested with the rights of forming and organizing said company, and of exercising the power of Directors until Directors are chosen, which shall be within six months from the passage of this act, when the powers of the commissioners shall cease.

Sec. 4. That the capital Stock of said company shall be seven millions five hundred thousand dollars, divided into one hundred and fifty thousand shares, of fifty dollars each, and

each share entitling the owner thereof to one vote in person, or by written proxy, at all meetings of the stockholders; and the shares shall be deemed personal estate, and shall be transferable by any conveyance in writing, recorded on the books of the company, kept for that purpose, at such place on the line of said Railroad as the Directors may appoint.

Sec. 5. That the affairs and business of said company shall be conducted and managed by a Board of Directors, not less than five in number, who shall be elected at the general meeting of the stockholders, to be held annually. They shall hold their offices for the period of twelve months and until their successors are elected. The time for the first election shall be appointed by the incorporators named in this act, of which due and reasonable notice shall be given; and should the stockholders fail annually thereafter to meet and elect Directors as aforesaid, the Directors in office shall appoint a day for a special election, giving like notice. No person shall be eligible as a Director, unless he be the owner of ten shares of the capital stock. The said Board shall elect a President from their number, fill vacancies, appoint a Treasurer and Secretary, and such officers as they may deem necessary, and require security for the faithful performance of their duties; also to prescribe the time for the payment of instalments or assessments upon the stock, and the amount of such instalments or assessments; to declare the forfeiture of such stock for nonpayment, and to do or cause to be done all other lawful acts or things which they may deem necessary or proper in conducting the business of said company. A majority of said Board of Directors shall constitute a Board for doing business. All instruments in writing, executed by the President and Treasurer, under the seal of the company, with the consent of the Board of Directors, shall be valid and binding; Provided, that such conveyance and contract be made in conformity to the General Railroad laws now existing, or hereafter to be enacted.

Sec. 6. That the Directors shall have power to dispose of the capital stock in such manner and on such terms as they may deem best for the interest of the company; and any agreement in writing, whereby any person may become a subscriber to the capital stock of said company, may be enforced against him according to its terms. Provided, that this company shall not issue any stock for less than its face value.

Sec. 7. That said company shall have power to borrow

money on their bonds, (or notes,) at such rate as the Directors may deem expedient. Provided, however, that nothing in this act shall be so construed as to confer banking privileges of any kind.

Sec. 8. That it shall be the duty of said company, wherever any State or county road now established shall be crossed by said Railroad, to make and keep in repair good and sufficient causeways at such crossings; and in all cases where any person shall own land on both sides of the railway, and there shall be no other convenient access from one point to the other, such owner shall have the right of passage, free of cost, at all reasonable times, crossing said Railway; and if said Railway shall cross any navigable stream, it shall not interfere with the navigation of the same.

Sec. 9. That said company shall have the right to charge and receive such rates and prices for the transportation of passengers and freights, as shall not exceed five cents per mile for passengers, and for freights not exceeding fifty cents per hundred pounds, for every hundred miles the same may be carried.

Sec. 10. That it shall be lawful for said company to enter upon and hold in fee, for the purpose of locating, constructing and maintaining said Railway, and as a right of way, any of the public domain through which said road may pass, not to exceed two hundred feet in width, and so much in addition thereto at the proper points on the line of said road, as may be necessary for depots, and other public buildings; and any other lands or lots, the property of individuals through which said road may pass, may be entered upon, taken possession of, and held in fee for the purpose herein specified, by said company, in the manner provided for in this act; and that said company, before entering upon and taking possession of any land, except public land, for the purposes specified in the next preceding section, shall agree with and pay the owner thereof the value of the real estate thus taken, together with the value of any other property that may be taken or destroyed by the seizure of said land, and together with the damages that may be done to the real estate or property of the owner of the land thus taken possession of by said company. Provided, that if said company and owner or owners cannot agree upon the said value and damage, it shall be the duty of said company to state in writing the real estate and property sought to be condemned, the name of the owner, and the object for

which the same is sought to be condemned, and file the same with the Chief Justice of the county in which said property is situated; and thereupon the Chief Justice shall appoint three disinterested freeholders of said county as special commissioners, to assess said value and damages, giving preference to those that may be agreed upon between said company and said owner; and it shall be the duty of said commissioners, when sworn by the Chief Justice, to assess said value and damages, taking as the rule of assessment the actual value of the property so condemned, together with the actual damages done the real estate and property of said owner, by the running of said Railroad, and by the condemning of said real estate and property for the use aforesaid. And the said commissioners shall proceed thus: They shall appoint a day and place at the earliest practicable period for hearing said parties; they shall on the day and at the place appointed, fully hear said parties; they shall, if they choose, examine the land and property sought to be condemned, and then under oath, assess by the rule before mentioned, the said value and damages, it being the duty of said company to give to the owner five days' written notice, before the sitting of said commissioners: Provided, that either party, if dissatisfied with the decision of said commissioners, shall have the right to file a petition in the District Court, as in ordinary cases; Provided, that when said company shall institute a suit in the District Court, in accordance with these provisions, the award or judgment of said commissioners, and the judgment that may be rendered in the District Court shall be a special lien on the said road-bed, track and franchise of said company, until the said award or judgment shall be discharged.

Sec. 11. That if the said commissioners in a proceeding before them as provided for in the next preceding section, shall adjudge the company to pay greater damages for the land taken, and the injury resulting therefrom, then said company shall pay all costs, and the same rule shall determine the costs in the District Court; (but should said owner in the District Court,) or before said commissioners recover the same, or a less amount of damages than was offered by the company, then he or she shall pay all the costs.

Sec. 12. That there be granted to said company all the grants, provisions and privileges of an act entitled an act to encourage the construction of railroads in Texas by donations of land, approved January 30th, 1854, and all the grants,

provisions and privileges of an act entitled an act to provide for the investment of the Special School Fund in the bonds of Railroad companies incorporated by this State, passed August 13th, 1856, in conformity to the provisions of said laws, and such other general laws of this State on the subject, as are now, or may hereafter be in force.

Sec. 13. That the said Michael G. Bright, Thomas B. Lincoln, Samuel H. Witmer, and associates, shall within six months after the passage of this act, deposit in the Treasury of the State of Texas, fifty thousand dollars, either in gold coin, United States Treasury notes, or United States bonds, at the option of said corporators, subject to the sole control of the Governor; and provided, that when the company shall have graded twenty-five miles of said road, the said deposit shall be returned to said company, otherwise to be forfeited to the State of Texas for the benefit of the Special School Fund of the State, and that no rights shall vest under this act of incorporation until said deposit is made.

Sec. 14. That the said company shall have completed, on or before the first day of April, 1859, at least twenty-five miles of said Railroad, and that there be twenty-five miles thereof completed each year thereafter, until the whole be completed; and that no certificates of stock shall be issued until fifty miles of said Railroad be finished, and in complete running order. And that in case said company shall fail to construct twenty-five miles of said road by the said first day of April, eighteen hundred and fifty-nine, that such failure shall operate as a forfeiture of the charter hereby granted.

Sec. 15. That should said parties and associates fail to make said deposit within six months from the passage of this act, then shall any five or more citizens of the State of Texas, selected or accepted by the Governor of the State, be authorized to organize and carry out the provisions of this act, provided they comply with the obligations imposed upon the first company by the 13th section of this act, the same as though they had been originally named as the corporators; and that the time herein named for having the first twenty-five miles completed, be extended six months.

Sec. 16. That said Michael G. Bright, Thomas B. Lincoln, Samuel H. Witmer, and associates, shall pay to the order of Messrs. Ferguson, Alexander & Co., and other creditors of the Mexican Gulf and Henderson Railroad company, in Texas,

not exceeding three thousand dollars—debts contracted by the agent of said company for labor and supplies.

Sec. 17. That books for subscription to the capital stock of said Railroad company, shall be opened within sixty days from the time the deposit is made, required in the thirteenth section of this act, at the city of Marshall, and the towns of Henderson, Nacogdoches, Woodville and Beaumont, on due notice of the time and place being given, by publication in some newspaper having general circulation in the several counties through which said Railway is to be located; and that an instalment of not less than five per cent. shall be paid at the time of subscribing.

Sec. 18. That said company shall have the right to commence the construction of said road at any point on their line that they may select; provided it be at tide-water, and provided, that the company shall designate the place of beginning within six months from the passage of this act. And further provided, that the southern terminus of said road shall be finally fixed at some point on the Gulf within six months after the passage of this act.

Sec. 19. That this act of incorporation shall continue ninety-nine years, unless sooner forfeited; and that this act take effect and be in force from and after its passage.

Approved, January 21, 1858.

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## CHAPTER 52.

### An Act for the relief of Samuel McCulloch.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required, to issue to Samuel McCulloch, a certificate for one league and one labor of land, which may be located, surveyed and patented upon any vacant and unappropriated land of this State; and that this act take effect from and after its passage.

Approved, January 21st, 1858.

CHAPTER 53.

An Act to incorporate the Grand and Subordinate Lodges of the Order of Free and Accepted Masons, in the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the officers and members of the Grand Lodge, and the officers and members of the subordinate Lodges of Free and Accepted Masons, now chartered, or that may hereafter be chartered by said Grand Lodge, and their successors and associates, be, and they are hereby created a body politic and corporate, by the name and style of "The Grand and Subordinate Lodges of Free and Accepted Masons," with succession for twenty years, and by that name shall be capable in law of having and using a common seal, and the same to change at pleasure, of suing and being sued, pleading and being impleaded, answering and being answered, and of defending and being defended in all the Courts of this State; and may ordain and put into execution such by-laws, rules and regulations for their government and the management of their affairs, and change and renew the same as they may deem proper; provided, they be not contrary to the Constitution and laws of this State, and of the United States.

Sec. 2. That said corporation, or Grand and subordinate Lodges of Masons, shall have power to acquire and hold real and personal estate, not exceeding one hundred thousand dollars respectively in value, and from time to time, if deemed expedient, may sell and convey the same, or any part thereof, and re-invest or dispose of the proceeds, and they may make such use and disposition of their funds for educational and charitable purposes as they deem proper.

Sec. 3. That said corporation, or Grand and subordinate Lodges of Masons, shall have the power to establish and maintain institutions of learning, and to acquire, hold and manage such fund or funds for the support thereof, not to exceed the amount of the value of the real and personal estate allowed by the second section of this act, as they may think proper, and to appoint suitable teachers and stewards, and other necessary officers, and to remove the same at pleasure; and may ordain, execute and change all laws, rules and regulations which they may deem necessary for the government thereof.



not inconsistent with the Constitution and laws of this State, and of the United States.

Sec. 4. That all laws, or parts of laws, in conflict with this act, be, and the same are hereby repealed; and that this act take effect and be in force from and after its passage.

Approved, January 22, 1858.

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#### CHAPTER 54.

##### An Act for the relief of John M. McLaughlin.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to John M. McLaughlin, a patent upon a pre-emption survey, No. 216, for three hundred and twenty acres of land, situated in Hopkins county: Provided, he first pays to the Commissioner of the General Land Office the sum of twenty-one dollars, the usual fee in such cases; and that this act take effect from and after its passage.

Approved, January 23, 1858.

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#### CHAPTER 55.

##### An Act for the relief of George W. Newcome.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be, and he is hereby authorized and required to issue his draft on the Treasurer, in favor of George W. Newcome, for ninety dollars and forty-five cents, and the Treasurer shall pay the same out of any money in the Treasury not otherwise appropriated.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved, January 23, 1858.

CHAPTER 56.

An Act to amend An Act entitled "An Act to incorporate the Houston Tap and Brazoria Railway Company," passed September 1st, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the fifteenth section of the act passed September 1st, 1856, to incorporate the Houston Tap and Brazoria Railway Company, be amended so that the same shall hereafter read as follows:

"Section 15. That this company may adopt the same gauge that is used by the Buffalo Bayou, Brazos and Colorado Railroad Company, and shall be subject to all the rights, privileges and benefits accruing from any general law, or laws, which have been, or may hereafter be enacted by the State, to encourage the construction of Railroads, in the same manner and to the same extent as if the gauge of said road were the same now fixed, or which may hereafter be fixed upon by this State. That this company shall have the right under this charter, until the first day of September, 1861, to construct a section of the road from Columbia, on the Brazos River, to such point in Wharton county as may be designated by a majority of the stockholders residing in the counties of Brazoria and Wharton, and the company building this section shall keep their office at Columbia, in Brazoria county. That this act take effect from its passage, and shall expire in ninety years, unless it shall be renewed or extended.

Sec. 2. This company shall have no right to object to a change of the gauge of the Buffalo Bayou, Brazos and Colorado Railroad company by said company.

Sec. 3. That this act take effect from and after its passage.

Approved, January 23d. 1858.

## CHAPTER 57.

## An Act to incorporate the Town of Gilmer.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Gilmer, in Upshur county, be and they are hereby declared a body politic and corporate, under the name and style of "the Corporation of the town of Gilmer," who shall have the power of suing and being sued, pleading and being impleaded, and to hold property both real and personal, within the limits of said corporation, and at their pleasure to dispose of the same.

Sec. 2. That it shall be the duty of the Chief Justice of the county to order an election, to be holden as early as practicable after the passage of this act, upon giving ten days notice thereof, for the election of one Mayor and five Aldermen, a Collector or Constable, a Treasurer and Secretary, who shall hold their offices for the term of one year from the time of their election. In case a vacancy occurs by death, resignation or otherwise, the vacancy of the unexpired term shall be filled by a new election as follows: In case of a vacancy of the office of Mayor, then the election to be ordered and held by a quorum of the Board of Aldermen, and in case of vacancy of the Board of Aldermen, Collector, Treasurer or Secretary, the election shall be ordered and held by the Mayor, in either case, giving ten days notice of said election; and all persons residing within the limits of said corporation shall be entitled to a vote for the above named officers, who may be entitled to vote for members of the Legislature.

Sec. 3. That the Mayor and a majority of the Board of Aldermen shall constitute a Board to transact business.

Sec. 4. That the Collector, Treasurer and Secretary shall give bond in such sum and with such securities as shall be approved by the Mayor and board of Aldermen, and that all officers elected by virtue of this act, before entering upon the duties of their offices, shall take and subscribe an oath, for the faithful discharge of their respective offices.

Sec. 5. That it shall be the duty of the Mayor to cause an election to be holden annually, at least ten days previous to the expiration of his term of Office, for all the officers mentioned and required to be elected by this act, who shall enter upon the duties of their respective offices upon the expiration of the term of their predecessors.

Sec. 6. That the Mayor shall have jurisdiction and exercise the powers now conferred by law on a Justice of the Peace in criminal cases, and also over all offences committed against the ordinances and decrees of the Mayor and Aldermen, within the limits of the Corporation.

Sec. 7. That the Mayor and Aldermen shall have power to pass such ordinances and decrees as they may think necessary to the establishment of the Schools and the support of education, for the regulation of the police and the support of good order, to prescribe penalties, to levy taxes, for the removal of nuisances, keeping the streets in order, and such other purposes as the Board may deem necessary and proper within the limits of said corporation: Provided, that such ordinances and decrees shall not conflict with the Laws and Constitution of this State.

Sec. 8. That the limits of said corporation shall be two miles square, of which the Court-House in the county of Upshur, in the town of Gilmer, shall be the centre; and that this Act take effect immediately after its passage.

Approved January 26, 1858.

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#### CHAPTER 58:

An Act to incorporate Dallas Lodge No. 44, of the Independent Order of Odd Fellows.

Section 1. Be it enacted by the Legislature of the State of Texas, That E. P. Nicholson, Noble Grand, E. W. Hunt, Vice Grand, Samuel Jones, Recording Secretary, and F. A. Sayre, Treasurer and their successors in office be, and they are hereby declared a body corporate, under the name and style of Dallas Lodge No. 44, of the Independent Order of Odd Fellows, and by that name may at all times hereafter be capable to have, receive and retain property, real, personal and mixed, and the same at their pleasure to dispose of, provided the same shall not exceed in value, at one time, the sum of twenty thousand dollars.

Sec. 2. That said corporation, by the name and style aforesaid, is hereby empowered to sue and be sued, plead and be impleaded, answer and be answered unto any court, or before any Judge or officer whatever in all actions, matters or demands of any character whatsoever.

Sec. 3. That the said corporation may have a common seal, and the same alter and change at their pleasure, and shall in general have and exercise all rights, privileges and immunities by law incident or necessary to corporations of the like kind twenty years and no longer; and that this act shall take effect and be in force from and after its passage.

Approved January 26th, 1858.

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## CHAPTER 59.

An Act to incorporate the Melville Male and Female Academy, in Rusk County.

Section 1. Be it enacted by the Legislature of the State of Texas, That Samuel Henderson, James Yantes, John Vincent, William Montgomery, Harrison Edens, Stephen Coleman, Jesse Walling, James C. Vernon and Dr. O. E. Burt, be and they are hereby incorporated a body politic, under the name and style of the Trustees of the Melville Male and Female Academy, of suing and being sued, of pleading and being impleaded, of holding property either real, personal or mixed, of selling and conveying the same at pleasure, of having a common seal and of changing the same at pleasure, and of doing and performing anything else that may be necessary to be done for the advancement of said Institution not contrary to the Constitution and Laws of the State.

Sec. 2. That the Charter and privilege shall extend to said Trustees and their successors in office, as long as they confine the benefit of the same to the advancement of the sciences, and the promotion of useful knowledge to the rising generation, which Institution shall be accessible alike to all, without regard to opinions of religion or politics.

Sec. 3. That the said Trustees and their successors in

office, shall have full power to enact By-Laws, rules and regulations for the Government of said Academy and property to the amount of fifty thousand dollars, and no more, as may seem to them necessary for the government of said Academy; for that object, to fill all vacancies which may occur in said Board of Trustees, to elect such officers as may be necessary for the efficient discharge of their duties, and that five members shall form a quorum for the transaction of business.

Sec. 4. That this act shall be in force for twenty years only, and shall take effect and be in force from and after its passage.

Approved January 26th, 1858.

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CHAPTER 60.

An Act to incorporate the town of Clinton, in De Witt county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of De Witt county, in the State of Texas, residing on the tract of land granted by R. H. Chisholm and wife, by deed bearing date, 30th day of June, A. D. 1846, to Wm. P. Patterson, Wm. P. Stapp, Samuel Donalds and Jacob A. Miller, and on record in the office of the Clerk of the County Court of De Witt county, in Record Book "A," pages 12 and 13, and also those persons residing within one-fourth of a mile, East and West of the above described tract of land, are hereby declared a body corporate and politic by the name and style of "the town of Clinton," and by that name may sue and be sued, plead and be impleaded, and may hold and dispose of real and personal estate in said town.

Sec. 2. That the Town Council of said town shall consist of a Mayor and four Aldermen, who shall be elected by the qualified electors residing within the corporate jurisdiction, on the first Monday in May, in each year.

Sec. 3. That there shall also be elected by the qualified electors, at the time of the election of the town Council, a

Treasurer and a Secretary, also a Marshal, who shall be required to give bond, payable to the Mayor, with good and sufficient security, to be approved by the Council, for the faithful discharge of their duties; the amount of such bond, if forfeited, to be paid into the town Treasury.

Sec. 4. That the members of the Town Council, the Secretary, the Treasurer and the Marshal, shall hold their offices for one year, or until their successors are qualified.

Sec. 5. That the Mayor and Aldermen and other Officers elected, shall enter upon the discharge of their duties, on the second Monday in May, in each and every year.

Sec. 6. That if from any cause an election shall fail to be held for the aforesaid corporate officers at the time herein prescribed, it shall be the duty of the Chief Justice, of the County of De Witt, upon application from any five citizens, to order a special election, (and the officers elected at such special election) shall hold their offices until the second Monday in May thereafter and no longer.

Sec. 7. That no person shall be a member of said Town Council, who is not either an house-holder or a owner of real estate within the boundaries of said corporation, and who has not resided therein at least six months previous to an election, nor shall any person vote for any of said corporate officers unless such voter has had a like residence, and paid his town taxes.

Sec. 8. That the Mayor shall be President of the Council, and that the Mayor and two Aldermen shall constitute a quorum to do business. If the office of Mayor shall become vacant, the Council shall have power to appoint one of their own members to act as Mayor during such vacancy, and if a vacancy shall occur in the office of Alderman, the Council shall have power to appoint another to fill such unexpired term.

Sec. 9. That the Council shall have power to enact and enforce such ordinances and regulations as they may deem necessary for the good government and general improvement of said town: Provided, the same shall not conflict with the Constitution or Laws of this State; they shall also have power to form By-Laws to regulate their proceedings, and to enforce proper police regulations; they shall also have power and authority to regulate the paving and clearing the streets, regulating the markets, removing nuisances, establishing the squares, streets, side-walks and alleys of the town; and for these and

similar purposes, may appoint such officers as they may deem necessary, and prescribe the compensation and remove them from office at their pleasure.

Sec. 10. That said council shall have power to levy equitable and moderate taxes, not to exceed the rate of fifty cents upon one hundred dollars *ad valorem*, upon all fixed and movable property within their jurisdiction, and recover the same, upon process issued by the Mayor after five days' notice. The Council shall also have the power to grant licenses to retailers of spirituous and vinous liquors and shall have power to license Billiard Tables, places of amusement, &c. Provided, That no gambling establishment, nor any other contrary to law, shall be prescribed by each license, nor shall any license tax be imposed upon any mechanical or agricultural employment.

Sec. 11. That in any suit, instituted before the Mayor, for the recovery of any taxes, license, dues penalties or forfeitures, the defendant shall have the right of trial by a jury.

Sec. 12. That the Council shall have power to inflict moderate fines, not to exceed one hundred dollars for the breach or non-ob servance of its ordinances, and collect the same as in other cases.

Sec. 13. That the Mayor shall have the same jurisdiction in criminal cases or breaches of the peace, as is by law vested in Justices of the Peace.

Sec. 14. That all the elections for Mayor, members of the Council and other officers shall be held at the time prescribed, after ten days notice of said election has been given by the Mayor, and the Mayor and Aldermen shall conduct such elections as President and Managers thereof.

Sec. 15. That the Town Council shall hold regular meetings at such time and places as may be prescribed by the By-Laws, and the Mayor shall have power to call special meetings of the Council, whenever, in his opinion, the interest of the town requires it; and it shall be his duty, in all cases, to see that the ordinances of the Town Council are enforced and respected.

Sec. 16. The citizens residing within the limits of said town of Clinton, are hereby exempt from any road duty, and shall not be required to work on any road outside of the limits of said town.



Sec. 17. That this act shall take effect, and be in force, from and after its passage.

Approved January 29, 1858.

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#### CHAPTER 61.

##### An Act for the relief of Mary A. Collins.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of Claims be, and he is hereby authorized and required to issue to Mary A. Collins, as widow and sole heir at law, of John Collins, dec'd, an Unconditional Certificate for six hundred and forty acres of land, on her filing with said Commissioner the Conditional Headright Certificate, Second Class, No. 166, issued on the 31st day of December, 1839, to said John Collins, by the Board of Land Commissioners of Victoria county, together with a transcript of the proceedings of the County Court of San Patricio county, had at its February Term, 1857, declaring her entitled to an Unconditional Certificate for said amount of land.

Sec. 2. Be it further enacted, That this Act take effect from and after its passage.

Passed, January 26, 1858.

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#### CHAPTER 62.

##### An Act for the relief of William J. Whiting, or his assignee.

Section 1. Be it enacted by the Legislature of the State of Texas. That the Commissioner of the General Land Office, is hereby required to issue to William J. Whiting, an Unconditional Certificate for six hundred and forty acres of

land, to be patented to the said Whiting, or his assignee: Provided, That he has never received an Unconditional Certificate.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved January 27, 1858.

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## CHAPTER 63.

### **An Act for the relief of the Washington county Railroad Company.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the Washington county Railroad Company, shall be entitled to all the benefits and privileges of the third and fourth Sections of an Act entitled An Act to provide for the investment of the Special School Fund in the bonds of Railroad Companies incorporated by the State, approved August 13, 1856; and that one-half the amount to which they may be entitled under the provisions of this Act, shall be paid when one-half the road contemplated by the Charter of said Company shall be constructed, and the remaining half when said road shall be fully completed and in running order, to Brenham: Provided, nothing in this Act shall be so construed as to allow the said Railroad Company a loan of more than six thousand dollars per mile of said School Fund.

Sec. 2. That this Act shall take effect from and after its passage.

Approved January 28, 1858.

## CHAPTER 64.

An Act amendatory of An Act to locate the Seat of Justice of Kaufman county, approved December 2, 1850, and An Act to provide for the erection of Public Buildings in Kaufman county, approved December 13th, 1851.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioners appointed to locate the Seat of Justice of Kaufman county, by the above recited Act, approved December 2d, 1850, as also the Commissioners appointed by the above recited Act, approved December 13th, 1851, be, and they are hereby required to deliver up to the Chief Justice and County Commissioners of said county, at the February term or at some call term thereafter, of the County Court in the year A. D. 1858, all the records, papers, documents and monies in their hands arising from or relative to the sale of lots in the town of Kaufman, together with a full and complete statement of all their acts in regard to all matters that appertain to their duties and acts as Commissioners appointed by the above recited acts.

Sec. 2. That said Chief Justice and County Commissioners of said County of Kaufman, shall do and perform all acts that may be necessary in making settlement and finally closing up all business of said town of Kaufman, arising from, or growing out of the acts above recited.

Sec. 3. That the Chief Justice shall have power to institute suit on all notes heretofore drawn and payable to said Commissioners for lots in the town of Kaufman, as fully as though such notes had been executed to him; and that this Act take effect from and after its passage.

Approved January 29, 1858.

CHAPTER 65.

An Act for the relief of James Starritt.

Section 1. Be it enacted by the Legislature of the State of Texas. That the Commissioner of the General Land Office is hereby required to patent the land surveyed by virtue of Certificate No. 15, issued to James Starritt, by the County Court of Ellis county, on the 25th day of April, 1853; the patent to issue as in other cases: Provided, the said survey does not conflict with older legal surveys and is correct.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved January 30, 1858.

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CHAPTER 66.

An Act for the relief of Benjamin F. Terry.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Benj. F. Terry, a Certificate, for one third of a league of land, to which he is entitled as his headright, and that the same may be located, surveyed and patented upon any of the vacant and unappropriated public domain of the State of Texas, upon the same terms and conditions, as other certificates under the provisions of the General Land Law; also that said Commissioner be authorized further to issue to said Benj. F. Terry, a Bounty Land Certificate for 320 acres of land, which may be located, surveyed and patented, as the Headright Certificate.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved. January 30, 1858.

## CHAPTER 67.

## An Act to incorporate the Union Hill High School.

Section 1. Be it enacted by the Legislature of the State of Texas, That Wm. H. Gantt, John S. Jones, J. M. Burton, J. E. Givens, W. H. McCatchen, J. C. Morris, J. Lusk, B. T. McLelland, and their associates and successors, are hereby created and declared a body corporate and politic, by the name, style and title of the Trustees of the Union Hill High School; and by that name and title, they, their associates and successors, shall be capable of suing and being sued, pleading and being impleaded, in law and equity, in all courts and places whatever, in like manner, and as fully as natural persons; and by said corporate name and style, shall be capable in law of contracting and being contracted with, shall have the power of acquiring, by purchase, donation or otherwise, property, both real, personal and mixed, holding and conveying the same as the said corporation may think proper.

Sec. 2. That the said body corporate and politic shall have succession for twenty years, shall have the power of holding property, both real, personal and mixed, in fee simple, so long as they confine their operations to the promotion of education; Provided, the same shall not exceed fifty thousand dollars.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved February 1st, 1858.

## CHAPTER 68.

## An Act to incorporate the Beneficiary Association of San Antonio.

Section 1. Be it enacted by the Legislature of the State of Texas, That Julius Pehrens, David Russy, Jacob Wurzbach, Daniel Bonnet, and John Host, and their associates,

be, and they are hereby constituted a body corporate and politic, for charitable and benevolent purposes, in the name and style of the Beneficiary Association of San Antonio; and by that name they shall have succession and be capable to sue and be sued, plead and be impleaded, in all courts of this State, to hold estate, real, personal and mixed, not to exceed in value fifty thousand dollars; to sell, encumber, or in any wise alienate the same, as said Association may deem expedient.

Sec. 2. Said Association shall have power to make rules and regulations for its government, and to alter the same at pleasure. Provided, this act shall only remain in force twenty years after its passage.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved, February 1, 1858.

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## CHAPTER 69.

### An Act to incorporate the Houston Insurance Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That there may be established in the city of Houston, a company for the purpose of transacting a general insurance business, which company shall be called and known by the name of "The Houston Insurance Company," and the stockholders and their successors shall have continuous succession, and by that name shall be capable of suing and being sued, in all the courts of the State, of purchasing, holding and conveying property of all descriptions, not to exceed fifty thousand dollars; to make, have and use a common seal, and the same to alter and renew at pleasure, and generally to do any act necessary to carry into effect the objects of the corporation, not inconsistent with the laws and constitution of this State or of the United States.

Sec. 2. That the capital stock of this company shall be one hundred thousand dollars, to be divided into one thousand shares of one hundred dollars each, and the same to be paid in the manner following: ten dollars on each share at the time

of subscription, and the residue at such times as the President and Directors may direct, which capital stock may hereafter be increased to three hundred thousand dollars, at the discretion of the President and Directors of the corporation. The said stock shall be deemed and held as personal property, and if any stockholder shall neglect and refuse to make the payments as required, his stock may be sold by order of the President and Directors, in such manner as they may think fit to direct; and such stockholder shall be liable for the balance due by him as stockholder, to the corporation as it becomes due, and may be sued in the District Court of Harris county for the same.

Sec. 3. That the books of subscription shall be opened in the city of Houston for said shares under the superintendence of W. J. Hutchins, T. W. House, J. S. Roberts, W. A. Vanalstyne, H. D. Taylor, C. E. Gregory, Wm. M. Rice, Henry Sampson, C. Ennis and George Goldthwaite, or any three of them; that said books of subscription shall be opened at any time prior to the first day of January next, at such place in said city of Houston as the Commissioners or any three of them may direct; advertisement of the time and place of opening such books to be made for one week in a newspaper published in Houston, and they shall be kept open until the said sum of one hundred thousand dollars shall be subscribed for, and the said Commissioners or any three of them, shall, as soon as may be after the books of subscription are closed, call a meeting of the stockholders, and shall proceed to the election of not less than three nor more than seven Directors, as may be determined by them, and the said Directors shall elect one of their own number President; and the said President and Directors elected in pursuance of this Act, shall have full power and authority to make, appoint and remove at pleasure all officers and agents of said corporation, to fix their compensation, prescribe their duties, and provide for the taking of bonds from them for the faithful discharge of their duties, and generally to manage the affairs of said corporation. They shall also have power to fill any vacancy which may occur in their own body, and also to appoint a President pro tem., when the President may be absent from their meetings; and if the President or any Director be absent without leave for five successive regular meetings of the Board, a majority of the same may declare his place vacant, and proceed to fill it without notice to such absent President or Director.

Sec. 4. That the Directors of the corporation shall call an annual meeting of the stockholders to make such election for Directors, who, when so elected, shall hold their offices for the term of one year, or until their successors are elected; and in all meetings of the stockholders those holding a majority of the stock shall constitute a quorum, and each stockholder shall be allowed one vote for each share he holds; and the stock may be represented either in person or by proxy, and the power to cast the votes of absent stockholders may be constituted by any written expression of the stockholder so appointing a proxy to vote for him.

Sec. 5. That said corporation shall have full power to make insurance upon ships and other sea vessels, and upon steamboats and all other river craft, and boats of every kind, and all goods, wares and merchandise, slaves, bullion, money, and other property, against all maritime and river risks, and upon houses, stores and other buildings, goods, wares and merchandise of every description against loss or damage by fire, and to fix the premium thereon; and it may loan its monies or other properties to any person or persons on any security it may think proper: Provided, that nothing in this Act shall be so construed as to authorize this corporation to use its monies or other properties in any manner which it may not be lawful for any citizen of this State to do.

Sec. 6. That the President and Directors of said corporation shall have power to fix the places and modes of transfer of certificates of stock, as well as the payment of interests and dividends. That a majority of the Board of Directors shall constitute a quorum for the transaction of business, and that said Board of Directors shall also have power to pass such by-laws as may be necessary to carry this Act into effect, to delegate authority to such officer or person as they may deem proper, and to execute or authorize the execution of all such bargains and contracts as may seem to them best for the interests of the corporation.

Sec. 7. That the said corporation shall be responsible to the extent of its property, and the stockholders to the extent of the amount of respective stock not paid up.

Sec. 8. That this charter and all the privileges and powers herein granted shall continue in force and effect for the full term of twenty years from the passage of this Act, and that the property, funds and business transactions of the corpora-



tion shall be subject to the same rate of taxation by law imposed on the property and similar transactions of individuals. This Act shall be in force from its passage.

Approved February 1, 1858.

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#### CHAPTER 70.

##### An Act for the relief of Helena Eggeling.

Section 1. Be it enacted by the Legislature of the State of Texas. That the Commissioner of the General Land Office be, and he is hereby authorized to issue to Helena Eggeling a certificate for six hundred and forty acres of land, in lieu of certificate No. 919, in Fisher & Miller's Colony, and that the certificate so issued may be located, surveyed and patented as other floating certificates in said colony.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved February 1, 1858.

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#### CHAPTER 71.

##### An Act for the relief of Harvey Trotter.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to patent the land surveyed by virtue of certificate No. 71, issued in the General Land Office to the Buffalo Bayou, Brazos and Colorado Railway Company, on the 23d of September, 1853, and transferred to Harvey Trotter by said company, in the same manner as lands are patented on any other certificate, and as if

the same had been located within twelve months from the date of said certificate.

Sec. 2. That this act be in force from and after its passage.

Approved February 2, 1858.

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CHAPTER 72.

An Act for the relief of Polly Guthrie, (late Polly Jones) widow and the heirs of Andrew Jones, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue a certificate for three hundred and twenty acres of land to Polly Guthrie, and the heirs of Andrew Jones, deceased, which may be located upon any of the public domain of the State: Provided, that no certificate has heretofore issued to said Jones in his life time, and that this Act be in force and take effect from and after its passage.

Approved February 2, 1858.

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CHAPTER 73.

An Act for the relief of the heirs of Abner C. Davis.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to the heirs of Abner C. Davis. a donation certificate for six hundred and forty acres of land, and a bounty warrant for twelve hundred and eighty acres of land, which may be located on any of the vacant and unappropriated domain of the State of Texas, and patented as other certificates; Provided, that

said Abner C. Davis, his heirs or assignees have never received the same or any part thereof.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved February 2, 1858.

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#### CHAPTER 74.

##### An Act for the relief of C. K. Ham.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized to issue to C. K. Ham a certificate for two-thirds of a league and one labor of land to be located upon any of the public domain of this State; and that this Act be in force and take effect from and after its passage.

Approved February 2, 1858.

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#### CHAPTER 75.

##### An Act for the relief of Henry Hilton.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Henry Hilton an augmentation headright certificate for two-thirds of a league and one labor of land: Provided, it appears from the records of the General Land Office that said Henry Hilton has never received a headright certificate for more than one third of a league of land. And that this Act take effect and be in force from and after its passage.

Approved February 2, 1858.

CHAPTER 76.

An Act for the relief of Goodwin Killian.

Whereas, Goodwin Killian, a citizen of the county of Anderson, being patriotically engaged in the defence of the frontier regions of the State, against Indian depredations, in the year 1838, was so severely wounded as to make him a cripple for life to such an extent as to wholly incapacitate the said Goodwin Killian from making a subsistence for himself and those dependant upon him.

And Whereas, the said Goodwin Killian has grown old without having called upon the State, in whose service he was disabled, for any assistance.

And Whereas, The said Killian does not come within the purview of any general law, extending relief to those who were engaged in the service of the State or Republic; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office of the State of Texas be, and he is hereby instructed to issue to the said Goodwin Killian a certificate for six hundred and forty acres of land.

Sec. 2. That this Act be in force and take effect from and after its passage.

Approved, February 2, 1858.

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CHAPTER 77.

An Act for the relief of James P. Gorman.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby authorized and required to issue a land certificate for six hundred and forty acres of land to James P. Gorman, which certificate may be located upon any of the vacant unappropriated domain of this State.

Sec. 2. That this Act take effect from and after its passage.

Approved, February 2, 1858.

## CHAPTER 78.

## An Act for the relief of Florinda Dixon.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to Florinda Dixon a certificate for six hundred and forty acres of land, to be located upon any of the Public Domain not otherwise appropriated, and patent the same according to law: Provided, that this certificate shall not be issued until certificate No. 214 issued by John M. Crockett to said Florinda Dixon be filed for cancellation.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved February 2d, 1858.

## CHAPTER 79.

## An Act for the relief of Isaac N. Hitchcock.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be required to issue to Isaac N. Hitchcock an unconditional headright certificate for three hundred and twenty acres of land, to be located on any public domain not otherwise appropriated. And that this act take effect and be in force from and after its passage.

Approved, February 3rd, 1858.

CHAPTER 80.

An Act for the relief of the heirs of William Freer, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office of the State of Texas, be, and he is hereby authorized and required to issue a certificate for one-third of a league of land to the heirs of William Freer, deceased, late of the County of Colorado, and State of Texas, which may be located upon any of the Public Domain of the State of Texas, subject to all the laws now in force in reference to the location of Land certificates, and return of field notes and patent. Provided, he has never heretofore received any land from the Republic or State of Texas, by virtue of his headright claim.

Sec. 2. Be it further enacted, That this act shall take effect from and after its passage.

Approved, February 3, 1858.

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CHAPTER 81.

An Act to incorporate the Texas Baptist Publication Society.

Section 1. Be it enacted by the Legislature of the State of Texas, That Edwin Nelms, President; H. L. Graves, J. W. D. Creath, and J. P. Pritchard, Vice-Presidents; O. H. P. Hill, J. W. Terrell, J. W. Barnes, A. Shannon, J. Johnston, D. D. Crumpler and R. F. Ellis, Directors, their associates and successors be, and are hereby constituted and declared to be a body politic and corporate under the name and style of the "Texas Baptist Publication Society," with capacity to make contracts, to have succession and a common seal, to make By-Laws for its government, and in its corporate name to sue and be sued, to plead and be impleaded, to grant and receive and generally to do and perform all such acts as may be necessary and proper for or incident to the fulfillment of its obligations, for the maintainance of its rights under this act,

and in accordance with the Constitution and laws of this State.

Sec. 2. That said Society be, and is hereby established, with the right to purchase and hold any land that may be necessary for the purpose of erecting, owning and maintaining printing offices, presses, and every thing necessary for publishing "The Texas Baptist," a weekly newspaper, Minutes of Baptist Associations and Conventions in Texas, and such other religious and literary publications as they may choose to publish, and to procure for sale and distribution Bibles and other books.

Sec. 3. That the capital stock of said Society shall not exceed ten thousand dollars, divided into shares of ten dollars each, and the holders of such shares shall constitute said society, and each member shall be entitled to one vote, in person or by proxy, for each and every share he may own, and such shares of stock shall be transferable alone upon the books of the society; but operations may be commenced whenever one thousand dollars is obtained.

Sec. 4. That the above named officers and Directors of the society, and their successors, shall constitute the Executive Board of the society, five of whom may form a quorum to transact business, and they shall hold their offices for one year from the 27th day of October, A. D. 1857, and until their successors are elected. And said Board is hereby located in the town of Anderson, in Grimes county, Texas, and shall not be removed except by a two-third vote of all the stockholders voting therefor.

Sec. 5. That the Executive Board may fill all temporary vacancies in the body of officers, appoint agents, and such other subsidiary officers as may be necessary to transact the business of the society, and require securities for the faithful performance of their duties. Also, to collect and disburse all monies due the society, and to do or cause to be done, all other lawful acts or things which they may deem necessary or proper in conducting the business of said society. And shall make a report of its doings to the society at each annual meeting.

Sec. 6. That there shall be an annual meeting of the stockholders of the society held once in each year, at the time and place of the meeting of the Texas State Baptist Convention, at which there shall be elected one President, three Vice

Presidents, and five Directors, who shall hold their offices for one year, and until their successors are elected.

Sec. 7. This act shall take effect from its passage.

Approved, February 3rd, 1858.

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CHAPTER 82.

An Act to incorporate the Nash Iron, Steel and Copper Manufacturing Company in Cass county.

Section 1. Be it enacted by the Legislature of the State of Texas, That Jefferson T. Nash, David Browden, John Speake, John T. Harris, Wm. B. Aiken, Wm. Clarks, and their associates and successors, be, and they are hereby incorporated into a body corporate and politic by the name and style of the Nash Iron, Steel and Copper Manufacturing Company and as such shall have succession for twenty-five years, and be able and capable in law to sue and be sued, plead and be impleaded and to make and Manufacture railroad and other Iron, Steel, Copper, and Castings, and the same to own and work mines of coal, iron and other ores, with their appurtenances and the Steam engines, and other machinery, together with foundries, shops, forges, and buildings necessary and proper for the above purpose, and to purchase, hold and use such necessary casements, lands, water power, and mills, as may be required for the above manufacturing of iron, Steel and copper, and means for transporting coal fuel ores or articles manufactured or required by said Company, and further to have and own one or more trading houses at such place as they may select, for the operations of the company, with power to buy and sell goods, wares and merchandize of all descriptions and to have such other rights and powers as are or may be incident to a corporation having the above purposes for its object.

Sec. 2. That the persons named in the preceding section of this act, shall be the directors of the corporation until their successors are chosen by the stockholders. An election for five Directors shall be held on or before the first Monday in August next, and every year thereafter, of which election three weeks previous notice shall be given, but no failure to



elect Directors, shall work a non-user, but those in office shall continue therein until others are chosen. The Directors herein named and their successors shall have power and authority to fill vacancies in their body occasioned by death, resignation or otherwise, and to make, ordain and establish such by-laws, rules, and regulations as they may require; to choose officers and appoint all necessary agents; they shall regulate the vote by proxy, and the payment of instalments on the capital stock: Provided, always that nothing in said by-laws, rules, or regulations, shall be inconsistent with the laws of the United States or of this State.

Sec. 3. That the capital stock of said corporation shall be three hundred thousand dollars, to be divided into shares of one hundred dollars each; this capital may be increased to five hundred thousand dollars by a vote of two-thirds of the stockholders in person or by proxy, the shares of stock shall be disposed of from time to time as the Board of Directors may determine.

Sec. 4. That this act take effect and be in force from and after its passage.

Approved, February 3rd, 1858.

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## CHAPTER 83.

### An Act granting a pension to Juana Navarro Allsbury.

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the passage of this Act, a pension of one hundred dollars per annum, for the term of the natural life of Juana Navarro Allsbury, shall be, and the same is hereby granted to the said Juana Navarro Allsbury.

Sec. 2. That it shall be the duty of the Treasurer of the State to pay the said pension semi-annually, in advance, out of any money in the Treasury not otherwise appropriated: Provided, the appropriation clause of this Act shall be restricted to the period of two years.

Sec. 3. That this Act take effect and be in force from and after its passage.

Approved February 3, 1858.

CHAPTER 84.

An Act for the relief of William Parmer or his assigns.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is authorized and required to patent to unconditional certificate, issued by the Board of Land Commissioners for Jasper county, to William Parmer, the first day of April, A. D. 1844, and No. 105, whole number 111, for six hundred and forty acres of land.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved February 4, 1858.

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CHAPTER 85.

An Act authorizing a change of certificate in a certain case.

Section 1. Be it enacted by the Legislature of the State of Texas, That authority is hereby granted to William Fields to raise the head-right certificate of Henry Hodges, for one league and labor of land, located by said Fields, in two surveys, on the left bank of the Brazos river, in Denton land district, Palo Pinto county, and file another certificate upon said surveys; and the same shall be patented whenever new field notes, applicable to the new certificate, shall be returned to the Land Office, properly recorded by the District Surveyor of said district, who is authorized to make out the said field notes from the record of the surveys as originally made, without re-surveying the same: Provided, said certificate proposed to be raised, and the one to be substituted in place of it, shall be genuine and valid claims.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved February 4, 1858.

## CHAPTER 86.

## An Act for the relief of the Houston and Texas Central Railway Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Houston and Texas Central Railroad Company be, and said company is hereby permitted to extend their road northward, beyond the limits of the State, into the United States Indian Territory, and the Territory of Kansas, with the consent of the political authorities of said Territory.

Sec. 2. That the failure of the Houston and Texas Central Railway Company to complete the third section of twenty-five miles of its road, by the 30th day of July, 1858, shall not work a discontinuation, as to the said Company, of the benefits of the Act entitled an Act to encourage the construction of railroads in Texas by the donation of land, or any other general laws in reference to railroads, if said Company shall complete said third section by the 30th day of July, 1859; and that on the completion of subsequent sections of twenty-five miles annually, after said 30th day of July, 1859, or fifty miles every two years, said Company shall be entitled to sixteen sections of land per mile, contemplated in said last mentioned Act, for each section so completed; and whenever a failure shall occur, on the part of said Company, to complete a section within the time required, then the land, applicable to that section only, shall be forfeited, and the completion of future sections, within the time contemplated by law, shall entitle the Company to the benefits of said last mentioned Act, as fully as if no failure had been made in completing any former section, except as to the section on which the failure occurred: Provided, that the benefits of the provisions of any general law shall only inure to the said Railroad Company whilst said laws shall remain in force.

Sec. 3. That said Company be, and they are hereby authorized to raise any files or locations of land made by them, which are, in the opinion of the Commissioner of the General Land Office, without the limits of the State of Texas; and that any District Surveyor be authorized to survey the said lands upon any of the public domain of the State of Texas.

Sec. 4. That said Company shall, within twelve months from the passage of this Act, definitely determine the counties through which their road is to run, striking the Trinity river in the county of Dallas, and Red river within fifteen miles of the town of Preston. And this Act shall take effect and be in force from and after its passage.

Passed February 4, 1858.

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CHAPTER 87.

An Act to extend the time for locating and returning to the General Land Office certificate No. 70, issued to the Buffalo Bayou, Brazos and Colorado Railway Company, and other certificates hereinafter mentioned.

Section 1. Be it enacted by the Legislature of the State of Texas, That the further time of one year from and after the passage of this Act, is hereby given, in which the owners thereof may locate and return, to the General Land Office, certificate No. 70, for six hundred and forty acres, issued by the Commissioner of the General Land Office, to the Buffalo Bayou, Brazos and Colorado Railway Company, on the 23d day of September, 1853: also, No.'s 224, 230, 231, 241, 242, 248, 249, 250, 251, 252, 254, 256, and 257, granted to said Railway Company April 1, 1857.

Sec. 2. That this Act take effect from its passage.

Approved February 5, 1858.

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CHAPTER 88.

An Act to incorporate the New Braunfels Academy.

Section 1. Be it enacted by the Legislature of the State of Texas, That Theodore Koester, James Ferguson, Francis

Moureaux, J. A. Stahely, William Seekatz, and Julius Rennest, be and they are hereby constituted a body corporate and politic by the name of the New Braunfels Academy, and by that name they shall have succession, with capacity to hold estate, real, personal and mixed, not to exceed two hundred thousand dollars in value, to sue and be sued, and generally to do any and all things necessary to carry into effect the purposes and objects of the above Institution, not incompatible with the laws and constitution of the State.

Sec. 2. That the citizens of the city of New Braunfels shall be the stockholders of said corporation; that said stockholders shall at a time to be fixed by a majority of the corporators herein named, elect six Trustees, three of whom shall serve two years, and the other three four years, and that thereafter three of said Trustees shall be elected every two years. That in addition to said six Trustees, the Mayor of the city of New Braunfels, shall be ex-officio Trustee, and the Chief Justice of Comal county shall be ex-officio President of said corporation, and a majority of the whole number shall form a quorum for the transaction of business. Said Trustees shall have the right to choose a Secretary and Treasurer from their number, to employ teachers, to establish preparatory schools, to fill vacancies in their own body, and to transact all business connected with the Institution, to pass By-Laws, and rules and regulations for their own and the government of the Institution. They shall have a common seal, and may change and alter the same at pleasure.

Sec. 3. That no religious qualification or test of any kind shall be requisite in order to become a Trustee, Professor, Instructor, or Student in said Institution.

Sec. 4. That the location of said Institution is hereby fixed at the city of New Braunfels, in the county of Comal.

Sec. 5. That the corporate authorities of the city of New Braunfels, shall have authority in their discretion, to levy and collect a special tax upon all persons and property within the corporate limits of said city, and subject to taxation by the State, for the support of the Institution hereby incorporated, and the preparatory schools herein provided for, which tax shall not in any year exceed the rate of the State tax for such year, and shall be levied and collected in like manner as other corporate taxes of said city are, and when collected shall be paid over to the Treasurer of said Institution.

Sec. 6. That this Act take effect from and after its passage, and shall continue in force for twenty years and no longer.

Passed, February 5th, 1858.

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CHAPTER 89.

An Act to amend the second Section of An Act entitled An Act to incorporate the town of Orange, (formerly called Madison,) in the county of Orange, passed Sept. 1st, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Second section of the above recited Act be and is hereby amended, so that it shall hereafter read as follows, to-wit.

That the limits of said corporation shall be bounded as follows, to-wit: Beginning at the south-east corner of John Merriman's saw-mill lot on the west bank of the Sabine river, thence up said river with the meanders of the same to John Fielding's shipways, to a cypress tree on the bank of said river; thence up said river four hundred varas; thence a northerly course to a locust tree on the Sabine Marsh, known as the south-east corner of Natham Cordery's Survey; thence a northerly course, with the meanders of the Marsh, one thousand varas; thence west to the east bank of Adam's Bayou; thence down said Bayou to the south-west corner of Gustav Erickson's eleven acre lot; thence easterly to Sabine Marsh, on the south-east boundary of Alexander Calder's Survey; thence south-easterly with said Marsh to the place of beginning; over all contained within said boundaries, the corporate authorities of the town of Orange, shall have and exercise the rights and privileges usually appertaining to such corporations.

Sec. 2. That this Act shall take effect and be in force from and after its passage.

Approved, February 5th, 1858.

## CHAPTER 90.

## An Act to incorporate the Nueces Bridge and Turnpike Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Benjamin F. Neal, and such other persons as he may associate with himself, are hereby incorporated under the name and style of the Nueces Bridge and Turnpike Company, and under such name shall sue and be sued, and have succession for thirty years, or twenty-five years after the completion of said Bridge; they may have a corporate seal and the right of holding property, real and personal, for the purpose of carrying out the object of this incorporation, and may transfer, alienate, and dispose of their joint or individual interests therein at pleasure.

Sec. 2. That said Bridge shall be constructed from the land now owned and possessed by the said B. F. Neal, on the west bank of the Nueces river adjoining the town tract of Nueces Town, to the east bank of said river upon lands leased to the said Neal, and that said Company shall have the right of way from said Bridge, and the privilege of opening a road at least one hundred feet wide, across the flats to the high lands on the east side of said river, and the right to construct such bridges over the sloughs or bayous to said high lands as may be necessary to make a good and substantial road.

Sec. 3. That said Neal and his associates shall construct said bridge in a good and substantial manner, within five years from the date of the passage of this Act, and shall keep the same in good repair for the term of twenty-five years from the completion thereof, and be ready at all times to pass all passengers, carriages, wagons, teams and stock, that may wish to cross on said bridge. Said bridge to be constructed with a draw bridge of a sufficient width for the passage of such boats as may be suitable for the navigation of said Nueces river.

Sec. 4. That the said Neal and his associates, shall be responsible for any accident or detention which may happen to any one so crossing, if it be clearly established that such accident or detention was caused from any insufficiency or neglect pertaining to said bridge or Company.

Sec. 5. That said Neal and his associates, shall be entitled to receive from the completion of said bridge, for the term of twenty-five years, the following tolls from all persons who may

cross, or whose carriages, wagons, and teams or stock may cross on said bridge, viz: For four horse stage or wagon loaded, fifty cents; each additional pair of horses, ten cents; empty wagon, fifty cents; for a loaded ox wagon not exceeding three yoke of oxen, fifty cents; empty ox wagon, forty cents; for each extra yoke of oxen, ten cents: for a two-horse wagon loaded, thirty cents; for a two-horse carriage, forty cents; for a one horse buggy, twenty-five cents; for a loaded cart and one yoke of oxen, thirty cents; empty carts, twenty-five cents; man and horse, ten cents; led or loose horse, five cents; footman, five cents; for cattle, five cents per head; hogs, sheep and goats, one cent per head.

Sec. 6. That no other bridge shall be constructed across the said Nueces river for the term of twenty-five years, within three miles of the bridge which said Neal and his associates may construct.

Sec. 7. That if any person shall wilfully fail or refuse to pay tolls after crossing said bridge, he shall be liable to forfeit and pay to said Company the sum of five dollars, and the costs of suit, recoverable before any Justice of the Peace, as in other cases.

Sec. 8. That this Act take effect and be in force from and after its passage.

Approved, February 5th, 1858.

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## CHAPTER 91.

### An Act for the relief of Teresa Highsmith.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be authorized, and he is hereby required, to issue a certificate for one league of land to Teresa Highsmith, which certificate may be located upon any of the public domain as other certificates are; and that this Act be in force from and after its passage.

Approved February 6th, 1858.



## CHAPTER 92.

## An Act for the relief of William Lee.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required, to issue a patent to William Lee, assignee of M. D. Bullion, for three hundred and twenty acres of land, on pre-emption survey No. 280, in Upshur county, upon payment of the lawful dues on the same; and that the Act approved December 20th, 1857, entitled "An Act for the relief of William Lee," be, and the same is hereby repealed; and that this Act take effect and be in force from and after its passage.

Approved, February 6th, 1858.

## CHAPTER 93.

## An Act for the relief of James A. Yeoman.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be authorized, and he is hereby required to issue a certificate for nine hundred and sixty acres of land to James A. Yeoman, as a bounty, and also a certificate for six hundred and forty acres of land to said James A. Yeoman as a donation, which said certificates may be located upon any of the public domain subject to location; provided, it appears by the records of said Land Office that no such certificates have ever heretofore issued to the said Yeoman by any of the authorities of the Republic or State of Texas.

Sec. 2. This Act shall be in force and take effect from and after its passage.

Approved, February 6th, 1858

CHAPTER 94.

An Act granting pay for services of Abner C. Davis, in the Army of the Republic of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the Court of Claims, be and he is hereby authorized and required to issue to the heirs of Abner C. Davis, a certificate for six hundred and forty acres of land, in lieu of pay for his services in the Army of Texas; provided, that the rolls of said Office show satisfactorily that said Davis, nor representatives have received any pay for said services.

Sec. 2. That the Commissioner of the General Land Office is required to patent the land which may be surveyed by virtue of such certificate, the same as other certificates.

Sec. 3. That this Act take effect and be in force from and after its passage.

Approved, February 6th, 1858.

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CHAPTER 95.

An Act to incorporate the Tennessee Colony Masonic Institute.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. King, R. McMinach, Thos. Hudson, G. F. Shelton, John Wolverton, jr., A. M. Anderson, W. C. Kinney, Wiley Caldwell, John Vannoy, and W. V. Tunstall, and their successors in office, be and they are hereby constituted a body corporate and politic, by the name of the President and Trustees of the Tennessee Colony Masonic Institute, in which name it may sue and be sued, plead and be impleaded, buy and sell property, both real, personal and mixed, and hold and enjoy the same; the said Institute now located in Anderson county, in the State of Texas, may at its option have a common seal for the transaction of business.

Sec. 2. That seven of the Trustees shall constitute a quo-

rum to do business; they shall have power to make such By-Laws and regulations as they may think necessary for the government of the Institution and its finances; provided, such By-Laws and regulations are not inconsistent with this charter, and the laws and institutions of the State; they shall also have power to elect a President of said institution; it shall require a majority of the Trustees to dismiss or remove the President, and in case of vacancy to elect a successor.

Sec. 3. The board of Trustees shall hold their office during good behavior, and in case of death, resignation, or other inability to perform the duty of Trustee, they shall have power to fill the vacancy; provided, that if three of the members of the Board be at the time of filling such vacancy, members of the same religious denomination or sect, a fourth shall not be selected from the same denomination or sect; provided further, that no member of the Board shall forfeit his right as a Trustee in consequence of any change of religious views or relations, and further provided, that said Board of Trustees shall have the authority to expel or remove any member of said Board by a vote of two-thirds of the whole number of said Trustees.

Sec. 4. That the President of the Institution shall be ex-officio President of the Board of Trustees, and may convene said Board whenever he shall think proper, and in case the President shall fail, or refuse to call the Board together, at any time upon the application of at least three members of the Board, then and in that case, they shall have the right to do so, and elect a President pro-tem to preside.

Sec. 5. That no religious test shall be required of any member of said Board, officer of the Institution or student.

Sec. 6. That all donations and bequests to said Institution shall be good and binding, although the corporate name thereof may not have been properly stated by the person making such bequest or donation.

Sec. 7. That the attestation of the Secretary, and the signature of the President, or in his absence, five of said Board, together with the seal of the corporation, if any, shall be sufficient to authenticate any act of the corporation.

Sec. 8. That said Institution shall not hold or own at any one time, more than fifty thousand dollars worth of property, and the funds belonging to or in any wise appertaining to said Institution shall not be diverted from the object for which the same was donated.

Sec. 9. That for the better protection of said Institute, the Chief Justice of the county of Anderson, shall upon the application of a majority of the Trustees of said Institute, order an election to be held at the voting precinct in the beat in which said Institute is situated, to ascertain the wishes of the citizens of said beat in reference to the sale of intoxicating liquors within one mile of said Institute, giving at least ten days notice of said election, and the same to be conducted as all other elections; provided, that this Act shall not be construed to prohibit Druggists and Physicians from selling alcohol, brandy and wines for medicinal purposes.

Sec. 10. The returns of said election shall be made to the Chief Justice of the county, in the same manner that returns are made in other elections, and if it shall appear upon the examination of said returns by the Chief Justice as aforesaid, that a majority of the votes polled at said election, were in favor of prohibition, then and thereafter, it shall not be lawful for any person or persons to sell intoxicating liquors in any quantity whatever, within one mile of said Institute, and every person or persons thus offending, shall be subject to indictment in the District Court of said county, and shall upon conviction, forfeit and pay for each and every such offence, the sum of one hundred dollars.

Sec. 11. The question to be submitted to the decision of the citizens of said beat at the election to be held as aforesaid, shall be "prohibition," or "no prohibition."

Sec. 12. That the President and Trustees of said Institution, shall have power to employ competent officers and instructors, and fix the salaries of the same, with the power of removal for neglect of duty, or misconduct in office.

Sec. 13. That the President and Trustees of said Institute, by and with the recommendation or consent of the preceptors shall have full power to grant or confer such degree or degrees in the arts and sciences, to any of the students of said Institute thought worthy, as are usually granted or conferred in similar institutions of learning, to give diplomas, or certificates of the same with adequate marks and designations to authenticate and perpetuate the memory of such degrees and graduations.

Sec. 14. That this Act take effect and be in force from and after its passage.

Approved, February 8th, 1858.

## CHAPTER 96.

**An Act to incorporate the Philosophian Society of Chappel Hill College.**

Section 1. Be it enacted by the Legislature of the State of Texas, That S. M. Ward, S. E. Black, A. W. Johnston, I. A. Ward, and F. M. George, together with their associates, be and they are hereby constituted a body politic and corporate, for social purposes and for the encouragement of literary pursuits, under the name and style of The Philosophian Society of Chappel Hill College, and by that name shall have succession, and be capable of suing and being sued, of defending and being defended in any of the courts of this State, to acquire and hold estate, real, personal and mixed, to encumber, sell or otherwise alienate as said Society may deem expedient; provided, that said corporation shall at no time hold property to exceed twenty thousand dollars.

Sec. 2. That said Society shall have power to enact rules and regulations for its government, and to alter the same.

Sec. 3. That this Act take effect and be in force from and after its passage, and continue in force for twenty years and no longer.

Approved, February 8th, 1858.

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CHAPTER 97.**An Act to incorporate the Guadalupe Bridge Company.**

Section 1. Be it enacted by the Legislature of the State of Texas, That Franz Moureau, Herman Seele, Theodore Koester, Julius Rennert, and Andreas Eikel, all of the county of Comal, and their associates and successors, be, and they are hereby constituted and declared to be, a body politic and corporate, under the name and style of the Guadalupe Bridge Company.

Sec. 2. That the said persons, their associates and successors, under the name and style aforesaid, may sue and be

sued, plead and be impleaded, defend and be defended, in all Courts whatever in this State; and may have a common seal, and may alter the same at pleasure.

Sec. 3. That the said persons, their associates and successors, under the name and style aforesaid, shall be authorized to construct a bridge over the Guadalupe river, at such a place at or near where the old San Antonio and Nacogdoches road crosses the said river, as may be deemed by them most eligible; and to purchase and hold property, real, personal, or mixed, as far as necessary for the construction and maintenance of said bridge; and to do all other acts, and perform all other works that may be necessary, not contrary to the Constitution and laws of this State.

Sec. 4. That said corporation may enact such by-laws and rules for the management of their affairs, as may be consistent with the Constitution and laws of the State; and they shall have power to elect a Director, by whom the business of the company may be conducted, and whose name shall be made known to the public.

Sec. 5. That said Bridge must be completed within five years from and after the passage of this act, otherwise this charter shall be null and void.

Sec. 6. That the said corporation shall be authorized to charge tolls, provided the rates shall never exceed these charges, to-wit: For a road wagon, loaded, with four to six yokes of steers, seventy-five cents; the same, with two to three yokes of oxen, fifty cents; a loaded wagon with one yoke of steers, or an unloaded wagon with from one to four yokes of oxen, twenty-five cents; each additional yoke of oxen, ten cents; for a loaded wagon, with four horses or mules, seventy-five cents; the same, with one to three horses or mules, fifty cents; for an unloaded wagon with horses or mules, twenty-five cents; for a carriage, with one or two horses or mules, twenty-five cents; for a horse and rider, ten cents; for loose horses, mules or cattle, five cents per head; for sheep and hogs, two cents per head; for foot passengers, five cents; and for all other things, not herein enumerated, at proportional rates to those herein specified.

Sec. 7. That the said company be, and they are hereby required and bound to keep said bridge in good repair, and to keep in constant attendance at the toll gate of the same a sufficient number of persons to admit passengers and property to cross at any time, by day or by night.

Sec. 8. That the privileges granted in this charter to said company shall cease and determine after the expiration of twenty-five years, from and after the date of the passage of this act; and that this act take effect and be in force from and after its passage.

Approved, February 8, 1858.

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## CHAPTER 98.

An Act to incorporate the Fire Association of the City of San Antonio.

Section 1. Be it enacted by the Legislature of the State of Texas. That A. A. Lockwood, L. Zork, F. R. Frankel, and their associates, are hereby constituted a body politic and corporate, under the name and style of "The fire Association of the City of San Antonio," and by that name shall have succession, and may sue and be sued, plead and be impleaded, have a corporate seal, buy, sell and hold property, real, personal and mixed, not to exceed in value ten thousand dollars; make contracts, and all rules and by-laws that may be necessary for the government of the Association, and have and exercise all the powers and rights generally incident to such associations.

Sec. 2. That the members of said Association shall never exceed one hundred in number, and the Chief Secretary and Treasurer, and their successors in office, shall be the trustees of the Association.

Sec. 3. That the members of the Association shall be exempt from serving on Juries in Justices Courts.

Sec. 4. That neither the Association or its members shall be liable in damages or otherwise, for property destroyed or injured by the Association, while in the discharge of their duties as firemen.

Sec. 5. That any and all property of the Association shall be exempt from taxation for State and county purposes; and this act shall be in force for twenty years.

Sec. 6. That this act take effect from and after its passage.  
Approved, February 8, 1858.

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CHAPTER 99.

**An Act to authorize the Tellico Manufacturing Company to construct and maintain a Toll-Bridge across the Trinity River.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the President and Directors of the Tellico Manufacturing Company, and their successors in office, be authorized to construct a bridge across the Trinity River, opposite the town of Tellico, in the county of Ellis, suitable for the passage of wagons, carriages, &c.: and after the completion of the same shall be entitled to demand and receive such rates of toll as shall be fixed by the County Court of Ellis county, and the license tax shall be levied by the same Court, and the said company shall not be required to pay a license tax in but one county on said bridge.

Sec. 2. That the privileges hereby granted, shall extend for the term of twenty years; and the proprietors after the completion of said bridge, shall keep the same in good condition for use during said term, and shall be liable for all damages resulting from a failure to do so.

Sec. 3. That said company shall in all respects be governed by the laws of this State, regulating roads, bridges and ferries, when the same shall not conflict with the provisions of this act.

Sec. 4. That this act take effect from and after its passage.  
Approved, February 8, 1858.



## CHAPTER 100.

An Act to amend the second section of an act entitled "An Act to incorporate the Eastern Texas and Red River Insurance Company," passed September 1st, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the second section of the above entitled act be so amended as to read as follows, viz:

"Said company is hereby invested with the right and power to insure against loss by fire, of all and every description of building, of all and every description of personal property, insuring against loss thereof by fire, and against losses by transportation on seas and navigable rivers; and further shall have power to insure lives, and to make all and every insurance appertaining thereto, or connected with life risks of whatsoever kind or nature.

Sec. 2. That this act take effect from and after its passage.

Approved, February 8, 1858.

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CHAPTER 101.

An Act to allow C. H. Nimmon to adopt two illegitimate Children.

Section 1. Be it enacted by the Legislature of the State of Texas, That C. H. Nimmon be allowed, and he is hereby authorized, by complying with an act entitled "An act to prescribe the mode of adoption," passed 16th January, 1850, to adopt his two illegitimate children, named John Vela, and William Crawford Vela, as his legal and legitimate heirs; and that said children be entitled to all the rights and benefits, as though the same had been born in lawful wedlock.

Sec. 2. That this act take effect from and after the date of its passage.

Approved, February 8, 1858.

CHAPTER 102.

**An Act for the relief of Jacob H. Shepherd.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of Public Accounts be, and he is hereby authorized and required to draw his warrant in favor of Jacob H. Shepherd, on the Treasurer of the State for the sum of one hundred and twenty-six dollars, and that he pay the same out of any monies in the Treasury not otherwise appropriated—to be paid in lieu of lost Military Draft, No. 482.

Sec. 2. That this act take effect from and after its passage.

Approved, February 8, 1858.

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CHAPTER 103.

**An Act to amend the Charter of the San Antonio River Navigation Company, passed August 29th, 1856.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the 5th section of an act entitled "An Act to incorporate the San Antonio River Navigation Company," passed August 29th, 1856. shall be, and is amended, so that it shall hereafter read as follows, viz:

Sec. 5. The said company shall, for and during the term of twenty-five years, from and after the passage of this act, have the exclusive right, power, and privilege, to demand, collect and receive, from each and every steamboat, flat boat, and other boats that may navigate the San Antonio River above its junction with the Guadalupe, tolls not exceeding fifty cents per ton Custom-house measurement, for each trip or passage made by them up said river, and may charge the like toll for each trip or passage made down the same. Provided, that said company shall have previously, and by the first day of March, 1859, so far removed the obstructions to navigation in the San Antonio River, above its junction with the Guadalupe, as

to render the same navigable for light draft steamboats, from its junction with the Guadalupe to the falls in the San Antonio River, near and below the town of Goliad; and shall also have placed one or more steamboats upon said San Antonio River, and run the same regularly from said junction to said falls, when practicable. Provided further, that said company shall not have the right to demand any tolls from any boats ascending the Guadalupe River. Provided further, that upon the passage of this act, the San Antonio River, above its junction with the Guadalupe River, shall not be entitled to any benefit arising from the act making appropriations for the improvement of the navigation of the rivers and other navigable waters of Texas.

Sec. 2. That the 7th section of said charter be, and is amended, so that it shall read as follows, viz:

Sec. 7. That the State of Texas shall, at any time, have the right to purchase of the said company the privileges conferred by this act, upon paying the said company the sum of twenty-five thousand dollars, with ten per cent. interest per annum.

Sec. 3. That no subscription to the stock of said company shall be binding upon the company, until five per cent is paid upon the amount of said subscription

Sec. 4. That when any holder of stock of said company shall fail and refuse to pay any instalment due upon his subscription, the company shall have the right either to sell the same at public auction, to the highest bidder for cash, after advertising the same for four successive weeks, in some newspaper published in Goliad county, or the nearest newspaper; or the company shall have the right to sue such stockholder in said county of Goliad for the amount which may be due.

Sec. 5. That this act take effect and be in force from and after its passage.

Approved, February 8, 1858.

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## CHAPTER 104.

### An Act for the relief of William H. Jones.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of the State is hereby required to issue his warrant on the Treasurer, in favor of Wm.

H. Jones for eight hundred and nine dollars and ninety-three cents, being the sum of his account for a transcript of record, and for surveys of land scrip made in 1847 and 1848.

Sec. 2. That this act shall be in force from and after its passage.

Approved, February 9, 1858.

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CHAPTER 105.

An act to amend an act to incorporate the Memphis, El Paso and Pacific Railroad company, approved the 4th of February, 1856, and also the act supplemental thereto, approved 1st February, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the 21st section of the act entitled an act to incorporate the Memphis, El Paso and Pacific Railroad Company, approved 4th February, 1856, be made to read as follows:

"That said company may enter into contracts and form association with any Railroad company, owning any railroad leading to the eastern terminus, of this, the Memphis, El Paso and Pacific Railroad, or with any Railroad intersecting the same, in order to form a Railroad connection, and to aid and assist with the means of the company or any Railroad to effect such connection, or intersection, upon such terms and conditions as the directors of said company, four fifths concurring, may think proper; provided, however, that this company shall, in no instance, be made liable for the debts, obligations, or penalties of any Railroad company with which it may thus contract or agree. And provided further, that this road shall be finished from the Eastern terminus to the point of intersection with any other road before it is extended to completion beyond said point. And provided also, that after connection shall have been formed with any other company the extension of the road may be made in the name of either company, as may be agreed upon by said companies."

Sec. 2. That nothing in the preceding section shall be so

construed as to repeal the second section of the act supplemental to an act to incorporate the Memphis, El Paso and Pacific Railroad company, approved February 5th, 1856.

Sec. 3. That the first section of said supplemental act shall hereafter read as follows:

"That if said company shall not commence the construction of said road within one year from the first of March, 1856, and have completely graded not less than fifty miles of their road by the first day of March, 1861, and at least fifty miles additional thereto within two years thereafter, then the charter of said company shall be null and void. Provided, that in any case the said company shall have, at least fifty miles of said road completely graded by the time it shall have a connection with any railroad completed from the Mississippi River to its Eastern terminus, or with a Railroad running from the Gulf of Mexico and connecting with this road east of the Trinity River, otherwise their said charter shall be null and void; and the said company shall have finished and in complete running order at least twenty-five miles of their road within one year after any such connection, and at least fifty miles every two years thereafter, until their said road is completed, otherwise the prospective rights of said company to the land donation shall be forfeited. And provided further, that should said road not have a connection within ten years, with some road leading to the Mississippi River or the Gulf of Mexico, in complete running order, said company shall forfeit all right to the reservation."

Sec. 4. That the fourth section of the said supplemental act be made to read as follows:

"That the said company shall be required to survey and sectionize, and number all the sections and fractional sections of the vacant land within their reservation, as designated by map now on file in the General Land Office, and within four years from the 1st of March, 1856, shall complete said work to where said reservation crosses the Brazos River; and said company shall also, within fifteen months from the passage of this act, run and plainly mark and designate the center line of their reservation from the Brazos River to the waters of the Colorado River; and within one month after passing through any land district, deposit a correct map of said work in the General Land Office, and if they fail to comply with the provisions of this section they shall forfeit all rights to said reservation. Upon acceptance of this amendment the said com-

pany stipulates that after the completion of twenty-five miles of their road, if the Legislature so order, they will proceed immediately, with adequate force, to the sectionizing of the remaining lands in the reservation, or surrender the same to the State, on the demand of the Governor, and failure on the part of said company to proceed after reasonable notice; and provided, all rights to acquire donations of lands from the State, granted to said company, shall cease at the expiration of fifteen years; and provided further, that the reservation granted said company by the acts of which this is amendatory, shall not control or affect the survey of any actual settler within said reservation, who was settled upon the same, had made improvements thereon, had his land surveyed and field notes recorded, prior to the twentieth day of June, 1857, unless such settler shall fail within twelve months from the passage of this act to perfect his title to the amount of such survey, or re-locate the same with a genuine land certificate, or scrip purchased from the State. And provided further, that said company shall have the whole of said reservation sectionized and returned, as specified, within ten years, and on failure shall forfeit all prospective rights to the reservation.

Sec. 5. That so much of the above mentioned sections of the original and supplemental acts as conflicts with the provisions of this act, be, and the same are hereby repealed, and no other portion of either the original or supplemental acts shall be affected, except as herein provided. The reservation of land granted by this, and the acts to which this is supplementary, to the said Railroad company, shall not prevent any person, who was a resident within said reservation prior to the 20th day of June, 1857, and who has continued their residence in said reservation up to the present time, from locating one hundred and sixty acres of land, including his or her improvements, with any genuine land scrip.

Sec. 6. That this act take effect from its passage.

Approved, February 10, 1858.

## CHAPTER 106.

An Act granting to the persons therein named the privilege of erecting a Toll-Bridge across the Angelina River, and to bridge its sloughs at or near "Buckshot Crossing."

Section 1. Be it enacted by the Legislature of the State of Texas, That Ben Selman, Robert F. Mitchell and William Roark, of the county of Cherokee, and Charles H. Finley and William Selman, of the county of Nacogdoches, and such associates and successors, or assigns as a majority of them may constitute, are hereby authorized to erect a Toll Bridge across the Angelina River, and to bridge its sloughs, at what is known as the Buckshot Crossing, about five miles below Wolfe's Bridge, on the Selman road, from Douglass, in Nacogdoches county, to Alto, in the county of Cherokee; and the above named persons, their associates, successors and assigns, shall be allowed to erect a toll gate, shall have the right of way, and all other rights and privileges necessary to the keeping up of said toll bridge, slough bridges, and road through the bottom of said river, for twenty years, provided they shall charge no toll to citizens of Nacogdoches and Cherokee counties, and not exceeding half the rates usually charged for ferriage across said stream to other persons.

Sec. 2. Said company shall keep said Toll Bridge in good repair, under the direction of the County Court of Nacogdoches county; and this act shall take effect from and after its passage.

Approved, February 10, 1858.

## CHAPTER 107.

An Act to incorporate the San Antonio Cotton and Woolen Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That James R. Sweet, D. C. Ogden, John C. French, and such other persons as may hereafter be associated

with them, are hereby created a body corporate, by the name of the San Antonio Cotton and Woolen Manufacturing Company, and by that name may sue and be sued, may plead and be impleaded, may transfer their rights by succession or assignment, may have a common seal, and also by that name and style, they and their successors may purchase, hold and convey real and personal estate, not to exceed one hundred thousand dollars.

Sec. 2. That said company shall have the right to erect and establish, in the county of Bexar, machinery and establishments for the manufacture of Cotton, Rope, Cordage, Cotton and Woolen goods, or such other articles as said company may at any time manufacture for sale.

Sec. 3. That the capital stock of said company shall be fifty thousand dollars, to be divided into five hundred shares of one hundred dollars each, and said company shall have authority to increase said capital to one hundred and fifty thousand dollars.

Sec. 4. That the affairs of said company shall be managed by a board of five directors, each of whom shall own at least five shares of the capital stock of said company, a majority of said directory shall constitute a quorum to do business, and shall have power to appoint a President from their number, and to fill all vacancies that may occur in the board of Directors, from death, resignation, or otherwise. After the first election of Directors, by virtue of this act, all subsequent elections shall be held in the city of San Antonio, on the first Tuesday in January, of each year; in case of failure to elect said Directors, at the time and place specified in this act, the corporation shall not be dissolved for that cause, but the President and Directors previously elected, shall continue to perform their duties until their successors are chosen.

Sec. 5. The Directors shall be chosen by the stockholders of said company, and that each stockholder shall have one vote for each share he may own, and may vote by proxy or in person.

Sec. 6. That the President and Directors of said company shall have full authority to adopt all such rules, regulations and by-laws as they may consider necessary to effect the object of this act of incorporation, not inconsistent with this act or the laws of this State, and may appoint and remove at their pleasure all agents or other employees necessary to transact the business of said corporation.



Sec. 7. That every person subscribing for any of the capital stock of said company, shall pay such proportion thereof, at the time of subscribing, or as may be directed by the terms of the original subscription list, and after the election of the first board of Directors, the balance shall be paid at such times and upon such terms as the said Directors may designate. Provided, that in all cases where further payment may be required, notice thereof shall be given by advertisement, in the newspaper, at least ninety days before the time of said payment.

Sec. 8. That if any stockholder shall fail or refuse to pay the balance of his subscription at the time required by said Directors, it shall be lawful at any time, after due notice and advertisement has been made in accordance with the preceding section of this act, for said Directors to sell the shares of said stockholders, at public auction, after ten days' previous notice of said sale has been given by public advertisement, and the purchaser of said shares shall be subject to all the liabilities and entitled to all the benefits of the defaulting stockholder.

Sec. 9. That this act shall be in force from and after its passage, and shall continue in force twenty years.

Approved, February 10, 1858.

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## CHAPTER 108.

An Act authorizing James H. Matthews to erect a Mill in, and construct a dam across the Colorado river.

Section 1. Be it enacted by the Legislature of the State of Texas, That James H. Matthews is hereby fully authorized to erect a Mill in, and upon the Colorado river, about one and a half mile below the city of Austin, in Travis county, Texas, upon what is commonly known as the Bratton Shoals.

Sec. 2. That James H. Matthews is also authorized to construct a dam across the Colorado river, upon said shoals: Provided, the same shall not exceed four feet in height: And provided further, That upon the complaint of twelve Free-Holders and citizens of Travis county, to the County Court of said county, the said dam above mentioned shall

be removed by order of said County Court, and that said dam be so constructed as not to cause any injury to the lands of other parties by overflow or otherwise, and be constructed with a chute of thirty feet wide, for the passage of Boats, Rafts, &c.

Sec. 3. And that this Act take effect from and after its passage.

Approved February 11, 1858.

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#### CHAPTER 109.

An Act for the relief of the heirs of John B. Fox.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required and instructed to recognize and approve as genuine a certain Bounty Land Warrant, issued by Barnard E. Bee, as Secretary of War, of the late Republic of Texas, to John B. Fox, at Houston, on the 12th day of November, 1837, for four hundred and eighty acres of land, and to patent upon the same as other genuine Certificates; Provided, the patent shall not issue if there is evidence in the Land Office that the party has heretofore received 960 acres of land as a Bounty for the same services.

Sec. 2. That this Act shall take effect and be in force from and after its passage.

Approved February 11, 1858.

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#### CHAPTER 110.

An Act for the relief of Thomas Cochrane.

Section 1. Be it enacted by the Legislature of the State of Texas. That the Commissioner of the General Land Office is hereby authorized and required to issue a land Cer-

tificate for three hundred and twenty acres of land to Thomas Cochrane: Provided, however, that said Certificate shall not issue if the said Cochrane, or any other person as his assignee, has received any land from the Republic or State of Texas, for Military services, of said Cochrane, from 29th February, 1836, to May 29th, 1836: Provided further, That said Certificate shall not issue until the 1st day of September next; said Certificate when issued, may be located upon any of the vacant public domain of the State; and that this Act take effect from and after its passage.

Approved February 12, 1858.

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#### CHAPTER 111.

##### **An Act for the relief of Elizabeth Rice.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be authorized, and he is hereby required to issue a Certificate for six hundred and forty acres of land to Elizabeth Rice, of Lavaca county, to be located upon any of the public domain as other Certificates are; and that this act take effect and be in force from and after its passage.

Approved February 13, 1858.

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#### CHAPTER 112.

##### **An Act for the relief of the heirs of Leonard A. Ashmore, and the heirs of John Ashmore, deceased.**

Section 1. Be it enacted by the Legislature of the State of Texas. That the Commissioner of the Court of Claims be required to issue to the heirs of Leonard A. Ashmore, an Unconditional Certificate for three hundred and twenty acres

of land, by virtue of Conditional Certificate number 238, issued by the Board of Land Commissioners of Nacogdoches county, dated January 4th, 1839; and an Unconditional Certificate for three hundred and twenty acres to the heirs of John Ashmore, by virtue of Conditional Certificate No. 249, issued by the Board of Land Commissioners of Nacogdoches county, dated January 4, 1839: Provided no Unconditional Certificate have issued heretofore; and when issued may be located, surveyed and patented as other genuine Certificates.

Sec. 2. That this Act take effect from and after its passage.  
Approved February 13, 1858.

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CHAPTER 113.

An Act for the relief of the heirs of Daniel M. Symonds, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to the heirs of Daniel M. Symonds, deceased, a Certificate for six hundred and forty acres of land: Provided, said Symonds, his heirs or Administrator, has not heretofore received land as a Headright.

Sec. 2. That said Certificate when issued may be located on any vacant and unappropriated land of the State; and this Act be in force and take effect, from its passage.

Approved February 13, 1858.

## CHAPTER 114.

## An Act for the relief of John W. Hayden.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue a Certificate for six hundred and forty acres of land to John W. Hayden, which may be located, surveyed and patented upon any public unappropriated land of this State; and that this Act take effect from and after its passage.

Approved February 13, 1858.

## CHAPTER 115.

## An Act for the relief of Sherrod Roland and Ezekiel Roland.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be authorized and he is hereby required to issue to Sherrod Roland and Ezekiel Roland, each a Certificate for three hundred and twenty acres of land, to be located and patented as in other cases: Provided, they have not heretofore received the amount of lands to which they are entitled.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved February 13, 1858.

## CHAPTER 116.

## An Act for the relief of Isaac D. Hamilton.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to Isaac D. Hamilton,

a Certificate for one league of land, on account of wounds received in the service of the late Republic of Texas in 1836, which have disabled him, and said Certificate may be located upon any of the vacant public domain unappropriated, in the same manner as other Certificates, and that a patent issue therefor without any other fee than the customary one for patents.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 13, 1858.

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CHAPTER 117.

An Act for the relief of the heirs of Frederick Hemiger, deceased, or their assignee.

Section 1. Be it enacted by the Legislature of the State of Texas. That the Commissioner of the General Land Office be authorized and he is hereby required to issue a Certificate for one league and labor of land to the heirs of Frederick Hemiger, deceased, or their assignee, which Certificate may be located upon any of the public domain, as other Certificates issued by said Commissioner: Provided, there has been no patent issued on either of two Certificates which seem to have been issued by the board of Land Commissioners for Bastrop county, one to Thomas H. Mays, Administrator of Frederick Hemiger, deceased, and the other to the heirs of Frederick Hemiger, deceased, for one league and labor each: And further provided, the Certificate issued under the provisions of this Act shall cancel, liquidate and take the place of both the Certificates above described.

Sec. 2. That this Act shall be in force and take effect from and after its passage.

Approved February 13, 1858.

## CHAPTER 118.

## An Act for the relief of John E. Schrimpf.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to John E. Schrimpf, a Certificate for three hundred and twenty acres of land for his Headright as a single man, which may be located and patented upon any of the public domain: Provided, the said John E. Schrimpf has not heretofore received the land to which he was entitled.

Sec. 2. That this Act go into force and take effect from and after its passage.

Approved February 13, 1858.

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CHAPTER 119.

An Act to amend An Act entitled An Act to amend An Act to incorporate the Brownsville and Rio Grande Railroad Company, approved February 7th, 1853.

Section 1. Be it enacted by the Legislature of the State of Texas, That the fourth section of the above named Act, to which this is amendatory, be, and the same is hereby amended so as to read as follows:

Section 4. That said Company shall be required to hold all meetings for the election of its officers within the State and to have a majority of its directors resident citizens thereof, and also to keep its principal office for the management of its affairs within the State. That no subscription shall be received unless five per cent thereof is paid in at the time of subscribing, and whenever one hundred thousand dollars shall have been thus subscribed a majority of the Commissioners shall be authorized to call a meeting of the subscribers and hold an election for officers after which the subscribers shall become a corporation with all the powers that are set forth in the Charter incorporating the same.

Sec. 2. That this Act take effect from its passage.

Approved February 13, 1858.

CHAPTER 120.

An Act for the relief of the Sabine, Galveston Bay Railroad and Lumber Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the time of completion of the first section of twenty-five miles of the Sabine, Galveston Bay Railroad and Lumber Company, be, and the same is hereby extended, and the term of three years from the passage of this Act is hereby granted to said Company for the completion of the said first section of twenty-five miles.

Sec. 2. That said Company be, and they are hereby required to complete the said road within five years from the completion of the said first Section of twenty-five miles: Provided, That said Company shall have the benefit of all General Laws enacted by the present Legislature, granting extensions to Railroad Companies in this State.

Sec. 3. That this Act take effect and be in force from and after its passage.

Approved February 13, 1858.

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CHAPTER 121.

An Act for the relief of P. J. Jennings.

Section 1. Be it enacted by the Legislature of the State of Texas. That the Treasurer of the State is hereby required to pay to P. J. Jennings the sum of four hundred and fifty dollars, being one-half of the assessed value of a negro slave Lucinda, executed in the county of Montgomery.

Approved, February, 13, 1858.



## CHAPTER 122.

## An Act to be entitled an act to incorporate the Freestone School Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That S. G. Grayson, W. L. Moody, Joseph Moreland, T. R. Jefferson, John Carner, W. F. Daniel, Dunbar Bragg, L. D. Bradley, J. C. Walker, John F. Huckaby, David H. Love, J. G. Mayo, A. Owen, C. T. Echols, and W. A. Milner, their associates and successors, be, and are hereby constituted a body politic and corporate, by the name and style of the "Freestone School Association," with power to sue and be sued, to plead and be impleaded, and generally to do and perform all such acts as bodies politic and corporate of like character may generally do and perform.

Sec. 2. Said corporation may have a seal, and purchase and own, and have power to dispose of property, real and personal, to any amount, not exceeding fifty thousand dollars in value.

Sec. 3. Said persons, constituting said corporation, may open books of subscription of stock in shares of fifty dollars each, and any person subscribing such sum shall be a stockholder, and entitled to one vote to every share by him subscribed.

Sec. 4. Said corporators and stockholders may at any time after the passage of this act, elect fifteen of their number as directors, who may pass such by-laws as they deem proper for their government not inconsistent with the laws or constitution of this State, or of the United States, and may establish such rules and regulations as they deem proper relating to the government or control of such institution of learning as they may establish.

Sec. 5. Said corporate body may keep a record of their proceedings, under whatever by-laws they may think proper to prescribe, a certified copy of which, signed by the secretary, under the corporate seal, shall be evidence of such proceedings.

Sec. 6. The board of directors shall be annually elected by a majority of the stockholders, and have power to grant diplomas to all pupils who may be deemed worthy, and in addition to the powers herein granted, and in explanation thereof,

may do and perform all acts necessary to put in operation, and perpetuate a first class female institution of learning.

Sec. 7. That this act take effect and be in force from and after its passage.

Approved, February 13, 1858.

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CHAPTER 123.

An Act to amend the third, ninth and tenth sections of an act, incorporating the Clarksville and Mount Pleasant Turnpike Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the third, ninth and tenth sections of an act incorporating the Clarksville and Mount Pleasant Turnpike Company, approved February 9th, 1852, be so amended as to read as follows: "Section 3. That it shall be the duty of said company within four years from the passage of this act, to construct good and substantial bridges across the Sulphur Fork of Red River, and White Oak and Cuthand Creeks, on the road above designated, said bridges to be above overflow, and shall keep said bridges when so constructed in a good state of repair during the aforesaid period of thirty years." "Section 9. That it shall be the duty of the County Court of Red River county, at the request of said company to appoint three commissioners, whose duty it shall be to inspect said bridges, and if they find the same completed in accordance with this act, they shall give said company a certificate of the fact, upon the receipt of which the company may erect upon said bridge or on said Sulphur Fork, or near the bottom of said Sulphur Fork; a toll-gate, at which they may collect and receive toll not exceeding the following rates, viz: for all carriages and wagons, ten cents per wheel, and five cents per head for the team thereto attached; for man and horse ten cents; for footmen five cents; for loose horses and mules, five cents; for cattle, hogs, and sheep, two and one-half cents; and upon the receipt of the certificate of said Commissioners, said company may erect two toll-gates, one at or near the

bridge on White Oak or its bottom, and one at or near the bridge on Cuthand or its bottom, at each of which gates they may collect and receive toll not exceeding the following rates; for all carriages and wagons five cents per wheel, and two and a half cents per head for the team thereto attached; ten cents for man and horse; two and a half cents for loose horses and mules; for cattle, hogs and sheep two cents per head." "Section 10. That the Commissioners appointed under this act shall hold their offices for two years, and until their successors are appointed; and it shall be their duty at any time when any of said bridges are out of order, and unfit for travel, to report the same to the County Court of Red River county, and if said report is sustained, said court shall direct said gates or gate to be thrown open and so continue until said bridges shall have been put in order by said company; further, it shall be the duty of said Commissioners to visit said bridges twice a year, for which they shall receive two dollars per day to be paid by the Company."

Sec. 2. That an act to amend the third section of an act incorporating the Clarksville and Mount Pleasant Turnpike Company, approved 18th January 1854, and the first section of an act supplementary to an act to incorporate the Clarksville and Mount Pleasant Turnpike Company, approved 30th January, 1854, be, and the same are hereby repealed.

Approved, February 13, 1858.

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#### CHAPTER 124.

An Act supplementary to an act to incorporate the Texas Iron, Steel, and Copper Manufacturing, Mining and Trading Company, passed September 1st, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the above-named Company are authorized to make and manufacture articles composed either in whole or in part of Cotton, or of Wool, and to own and use the lands,

mills, and machinery, &c., necessary and proper for these purposes.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Passed, February 13, 1858.

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CHAPTER 125.

An Act to incorporate the McKinney Bridge and Ferry Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That James McKinney, and such other persons as he may choose to associate with himself, be, and they are hereby declared a body corporate and politic, under the name and style of "the McKinney Bridge and Ferry Company, who shall have succession and a common seal, and who may sue and be sued, plead and be impleaded, and acquire and hold real and personal estate.

Sec. 2. That said McKinney and his associates shall have the sole and exclusive right to build and maintain a toll-bridge across Village Creek, at or near Providence Hill, and may charge and receive such toll for all crossing on said toll-bridge as shall not exceed the highest ferriage rates which may be established by the County Court of Tyler county, for any ferry in said county.

Sec. 3. That until said toll-bridge shall have been built, the said James McKinney shall have the sole and exclusive right to maintain and keep up a ferry across Village Creek, at or near Providence Hill, and may charge and receive such ferriage rates as shall not exceed the highest rates of ferriage which may be fixed by the County Court of Tyler county, for any ferry in said county.

Sec. 4. That no toll-bridge or ferry shall be established across Village Creek within three miles of Providence Hill, other than that herein provided for, unless the said McKinney and his associates shall fail or refuse to keep said ferry or

bridge in good repair; in which event another ferry may be licensed by the County Court of Tyler county across the same, at such place as said Court may designate.

Sec. 5. That this act take effect and be in force from and after its passage.

Approved, February 15, 1858.

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#### CHAPTER 126.

An Act for the relief of the heirs of James Lastley.

Section 1. Be it enacted by the Legislature of the State of Texas. That the Commissioner of the General Land Office be, and he is hereby required to issue to the heirs of James Lastley, deceased, a certificate for one labor of land, the residue of land to which said James Lastley was entitled to as headright.

Sec. 2. That said certificate when issued may be located upon any unappropriated Public Domain of the State. And that this act take effect and be in force from its passage.

Approved, February 15, 1858.

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#### CHAPTER 127.

An Act to change the boundaries of the town of Helena in Karnes County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the south-eastern boundary of the town of Helena, in Karnes county, shall be a line running through survey No. 9, of the sub-division of the Ramon Musquiz tract, from the San Antonio river, N. 42° E. to the north-eastern boundary of said survey, No. 9, parallel with and 480 varas

from the north-western boundary of said survey, No. 9. The north-eastern boundary of said town of Helena shall be a line commencing where the aforesaid boundary of the town intersects the north-eastern boundary of said survey, No. 9, thence N. 48° W, 1954 varas, thence S. 42° W. to San Antonio river, thence down said river to the place of beginning.

Sec. 2. That all laws and parts of laws conflicting with this act be and the same are hereby repealed, and that this act take effect from its passage.

Approved, February 15, 1858.

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CHAPTER 128.

An Act for the relief of Jacob Long.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Treasurer of the State of Texas is required to pay Jacob Long the sum of one hundred dollars (\$100 00) in full of all demands held by said Long upon the State, for guarding the Capitol and furniture of same before it was enclosed. And that this act take effect from its passage.

Approved February 15, 1858.

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CHAPTER 129.

An Act for the relief of Alexander McGowan.

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the passage of this act the Treasurer of the State be, and he is hereby authorized and required to pay to the order of Alexander McGowan, the sum of one hundred and thirty dollars, being for tin-ware and other

camp equipage furnished the Milam Guards, and Gen. S. Sherman's company, who were called in to the service of the country from Harris county in 1842.

Approved February 15, 1858.

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#### CHAPTER 130.

An Act for the relief of the widow and heirs of Daniel Martin, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby directed and required to issue to the widow and heirs of Daniel Martin, deceased, a headright certificate for one league and labor of land, which may be located on any of the unappropriated Public Domain of the State and patented as other claims of a similar character.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved February 15, 1858.

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#### CHAPTER 131.

An Act for the relief of Jacob Wilcox.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of the State of Texas, be, and he is hereby authorized and required to draw a warrant on the Treasurer of the State, payable out of any money not otherwise appropriated in favor of Jacob Wilcox, for the sum of four thousand two hundred and ninety-one dollars and seventy-one cents, for and on account of advances made by said Wilcox, for the use of the Texas navy in the years 1842 and 1843, which

warrant the said Treasurer is hereby authorized and required to pay to the said Wilcox, upon his filing with the said Treasurer a release in full of all demands against the State of Texas. And that this act take effect and be in force from and after its passage.

Passed, February 16, 1858.

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## CHAPTER 132.

### An Act to incorporate the Western Texas Life, Fire and Marine Insurance Company of the city of San Antonio.

Section 1. Be it enacted by the Legislature of the State of Texas. That William McLane, Joseph Ulrich, Warrick Tunstall, John C. French and Milton Dana, and their Associates, Successors and Assigns in office, be, and they are incorporated and created a body politic and corporate, by the name and style of the Western Texas Life, Fire and Marine insurance Company of the city of San Antonio, and by that name and style they and their successors shall have continuance and succession for and during the term of thirty years, from and after the passage of this act; and by such corporation name and style, shall be capable of suing and being sued, and maintaining any action to final judgment and execution; and shall be capable in law of purchasing, holding, improving and conveying any estate, real, personal or mixed, for the use of said corporation; may have a corporate seal, and shall have power to ordain, establish and put in execution such by-laws, ordinances and regulations as shall be necessary for the government thereof, and for the transaction of its own business. And it shall be lawful for said corporation, after the expiration of its charter, to use the corporate name, style and capacity for the purpose of the final settlement and liquidation of its affairs and accounts, and for the sale and disposition of its estate, real, personal and mixed, but not for any other purpose nor in any other manner whatsoever; provided, nevertheless, that said corporation shall not hold or own, at any one time, real estate amounting in value to more than one-tenth part of the stock of the company actually secured and paid in.



Sec. 2. The capital stock of said corporation shall, for the present, be one hundred thousand dollars, which may hereafter be increased to one million dollars, divided into shares of one hundred dollars each, which shares shall be deemed personal property; and such stock shall be created and paid in such manner, and at such times as the President and Directors of the corporation shall require, of which requisition at least two weeks notice shall be given by publication in two newspapers printed in the city of San Antonio; and if any stockholder shall fail to pay any instalment so required to be paid, he or she shall cease to be a member of said corporation, and shall forfeit his or her stock, and the share or shares so forfeited, may be sold by said corporation in such manner as they may prescribe by their by-laws and regulations; but such forfeitures and sale of such stock shall not release the holder thereof, nor his or her sureties on the notes contemplated to be given by the sixth and eighth sections of this act, from his, her or their liability on account of their notes, to any person or persons having a just claim against said corporation, which shall have accrued before such sale.

Sec. 3. That for the well ordering and management of the affairs of said corporation, there shall be not less than five nor more than nine Directors, who shall be elected by the stockholders at their annual meeting, to be held on the first Monday in June of each year, for that purpose, at the city of San Antonio, and shall hold their office for one year, and until others are elected, and who are at the time of their election shall be citizens or residents of the State of Texas, or of the United States, and holders respectively of not less than five shares of the Company's stock; and the Directors, at the first meeting after their election, shall choose one of their own number as President. In all elections for Directors, the vote shall be by ballot, and each stockholder shall have one vote for each share of stock he or she may hold; but no stockholder shall vote at any election, unless the share or shares upon which he may claim to vote, shall have been standing in his or her name on the books of the corporation for at least three months previous to such election, and in case of absence from any general meeting, any stockholder may vote by proxy in meeting; provided, that until the first annual election for Directors of said corporation shall be held under the provisions of this act, the persons named in the first section of this act, or a majority

of them, shall have and may exercise all the privileges and powers given to the President and Directors by this act.

Sec. 4. That the Directors of said corporation for the time being, any five of whom, including the President, shall form a quorum, shall have power to appoint such officers, clerks, agents and other persons as shall be necessary for conducting and executing the business of the corporation, and to allow said persons so appointed, such compensations for their services as the Directors shall deem reasonable and just, and generally to exercise all other authority and power for the well ordering and governing of the affairs and funds of said corporation.

Sec. 5. Said corporation shall have power to issue policies of Insurance against loss or damage by fire, on houses, stores, and all other buildings or structures, and on the personal property of any and all descriptions; to take Marine risks on Steamboats, vessels and all kinds of water crafts, their tackle, apparel and appendages, freight and cargoes, and on all kinds of personal property in course of transportation by land or water; to insure on lives, and to do and perform all other necessary acts connected with a general life, marine and fire insurance business. All policies of insurance shall be subscribed by the President, and attested by the Secretary of the Company.—And for the business so transacted, may charge, collect and receive such premiums of insurance as the President and Directors may deem just, reasonable and commensurate with the risk. It shall be lawful for said corporation to lend at a rate of interest not exceeding twelve per centum per annum, any surplus capital which they may at any time, possess, and which may not be required for the payment of losses previously incurred; and said corporation may lend money on bottomry and respondentia security at marine interest.

Sec. 6. That the shares of said corporation shall be assignable and transferable on the books of the Company, according to such rules and regulations as the President and Directors shall for that purpose ordain and establish; and in case the assignee of any share or shares of stock shall deposit his note with securities as contemplated and provided in section eight of this act, the same to be approved by the county court, as in said section eight provided, then the assignor of such share or shares shall have the right to withdraw and cancel his note or notes and securities given for such share or shares of stock, otherwise the notes and securities of said

assignor shall be and remain subject and liable to all the conditions and provisions contained in section ten of this act.

Sec. 7. The President and Directors of said corporation shall annually or semi-annually divide the stockholders thereof, so much of the profits of the business of the Company, as in their direction they shall deem safe, which dividends when paid, shall in the discretion of the President and Directors, be endorsed on the unpaid stock notes of the party entitled to the dividend, until the said notes are paid in full, or the same may, in their discretion, be paid to the parties entitled. But no dividend of any of the profits of the Company shall be made, unless the capital paid in remain unimpaired.

Sec. 8. The office of the Company incorporated by this act, shall be located in the city of San Antonio, and the stock and other books of said Company shall be there kept, and so soon as the President and Directors thereof shall establish, by proof to the satisfaction of the county court, that twenty per centum of one hundred thousand dollars of the capital stock of said Company has been paid by the stockholders to the Treasurer of the Company, and that the balance or residue of said one hundred thousand dollars of capital stock has been secured to be paid when called for, as contemplated in the second section of this act, by the notes of the holders of said capital stock, well secured by not less than two good and solvent persons, or by mortgage on real estate, and also shall establish, to the satisfaction of said County Court, that the direction of said corporation has been organized in conformity with the provisions of section third of this act, then said County Court shall give a certificate thereof, which shall be their warrant to commence business operations under the authority conferred by this act.

Sec. 9. That any increase in the capital stock of said corporation, beyond one hundred thousand dollars, shall be by resolution of the stockholders at their regular annual meeting, and when any such resolution shall be adopted, notice thereof shall be given by publication for thirty days in some newspaper published in the city of San Antonio, after the expiration of which time, subscriptions shall be received for sixty days; and if at the expiration of said sixty days, a greater amount of stock shall have been subscribed for, than was ordered by the resolution of the stockholders, the amount ordered shall be equally divided among the subscribers, provided, that persons who shall have subscribed less than an

equal portion, shall take only so much as they shall have subscribed.

Sec. 10. In case the corporation created by this act, shall fail, refuse, or be unable to pay any judgment which may be recovered against the same, the person or persons interested in such judgment, shall have right of action against such stockholders thereof, and his, her or their securities on the notes to be given by section eight of this act, until such judgment or judgments are satisfied and discharged.

Sec. 11. The officers of said corporation shall, during the month of June of each year, cause a full and accurate statement of the affairs of said Company to be made and published at least one week in some newspaper published in the city of San Antonio, which statement shall be signed by the President and Secretary of the Company.

Sec. 12. The Board of Directors may at any time make an order that a stockholder be required to renew his note contemplated by the sixth and eighth sections of this act, and when notice of such order shall be given to said stockholder, if he fail to comply therewith within thirty days, by giving a new note with security to be approved by said County Court, as provided in said sixth and eighth sections, he shall cease to be a member of said corporation, and therefore his stock shall be canceled, an account taken, and any amount, found to be justly due to said stockholders, shall be returned to him; but the cancelation of such stock shall not release the holder nor his or her securities on the stock notes, from his, her or their liability, on account of said notes, to any person or persons having a just claim against said corporation, which shall have accrued before such cancelation.

Sec. 13. That this act take effect and be in force from and after the adjournment of the Legislature.

Passed February 16, 1858.

## CHAPTER 133.

## An Act to incorporate the San Antonio Water Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Samuel S. Smith, John James, Samuel A. Maverick, Francis Giraud, Gustavus Schleicher and their associates, successors and assigns, be, and they are hereby created and incorporated a body politic and corporate, by the name and style of "The San Antonio Water Company," and by that name and style they and their successors shall have continuance and succession for and during the term of thirty years from and after the passage of this act, and by such corporate name and style, shall be capable of suing and being sued, and maintaining any action to final judgment and execution, and shall be in law capable of purchasing and holding, improving and conveying any estate real personal and mixed, for the use of said corporation; may have a corporate seal, and shall have power to ordain, establish and put in execution such by-laws, ordinances and regulations as shall be necessary for the government thereof, and for the transaction of its business; and it shall be lawful for said corporation, after the expiration of its charter, to use the corporate name, style and capacity for the purpose of the final settlement and liquidation of its affairs and accounts, and for the sale and disposition of its estate, real, personal and mixed, but not for any other purpose, nor in any other manner whatever. Provided, nevertheless, that said corporation shall not hold, at any one time, real estate the cost value which exceeds one half the amount of the stock actually paid in, exclusive of the necessary reservoirs, conduits and pipes and machinery, requisite to force the water into the reservoirs.

Sec. 2. That the capital stock of said company shall not, for the present, be less than thirty thousand dollars, nor more than two hundred thousand dollars, divided into shares of fifty dollars each, which shares shall be deemed personal property; and which stock shall be subscribed and paid in as in this and the following sections may be provided. Within forty days after this act goes into effect, it shall be the duty of the persons herein named, or any three of them, to cause to be published in two or more of the newspapers published in the city of San Antonio for at least twenty days, that within thirty

days from the date of said publication, books of subscription will be opened at the Court House in the city of San Antonio, under the superintendence of a majority of said persons, for the capital stock to said company; and no subscription of stock shall be received from any person, who, at the time of subscribing, does not pay into the hands of the Superintendents five per cent on the amount of his subscription. And said books of subscription shall be kept open at such hours as they may deem proper during each day, for the term of ten days; and if, at the end of this time, the amount subscribed shall be thirty thousand dollars or more, the books of subscription shall be closed, and the stockholders shall be notified to meet at the said Court House within the next ten days, for the purpose of appointing a Board of Directors as hereinafter provided. But should the amount subscribed be less than thirty thousand dollars, then each party shall be entitled to receive back from the Superintendents the five per cent. paid by him. Provided, however, that in the latter case the said Commissioners may re-open the books from time to time, until the first day of January, A. D. 1859, when if the sum of thirty thousand dollars be not subscribed, this charter shall cease to have force or effect. Should the persons herein named, or a majority of them, fail to perform the duties assigned to them in this charter, then it shall be legal and competent for any one or more of said parties, together with any number of citizens in all not to exceed five, to proceed to organize said company under the provisions of this charter, in the same manner as if named herein.

Sec. 3. That for the well-ordering and management of the affairs of said corporation, there shall not be less than five, nor more than seven Directors, who shall be elected by the stockholders at their first meeting, as in the preceding section directed, and annually thereafter, and shall continue in office until their successors are qualified; and who, at the time of their election shall be residents of Bexar county, and holders respectively of not less than ten shares of the capital stock of said company; and the Directors thus elected, shall at their first meeting choose one of their own members President. In all elections of Directors, the vote shall be by ballot, and each stockholder shall have one vote for each share he or she may hold; but no stockholder shall vote at any election, unless the share or shares upon which he may claim to vote, shall have been standing in his or her name for at least three months

previous to such election; and in case of absence from any general meeting, any stockholder may vote by proxy in writing.

Sec. 4. That the Directors of said corporation, for the time being, a majority of whom, including the President, shall form a quorum, shall have power to appoint such officers, clerks, agents and other persons as shall be necessary for conducting and executing the business of the corporation, and to allow said persons so appointed such compensation for their services as the Directors may deem reasonable and just; and generally to exercise all other authority and powers for the well-ordering and governing of the affairs and funds of said corporation.

Sec. 5. The said corporation shall have the right and power to make and build one or more reservoirs for the reception and holding of water within the limits of the city of San Antonio, or between the limits of said city and San Pedro Spring and the head of the San Antonio river, to erect the necessary machinery to force the water from said San Pedro Creek and San Antonio river, into the said reservoir or reservoirs, to lay and construct all necessary conduits and pipes, of iron, clay, lead, gutta percha, stone, wood, or any other material, to conduct the water from said reservoir or reservoirs to any part of the ancient limits of said city; to contract with the authorities of said city, or the owner of any lands or lots, for the right of way for the conduits and pipes over said land or lots, or through the public streets, alleys, squares and plazas of said city, to establish and fix rates of charges for supplying water per cubic inch, to enter into contract with the authorities or individuals for supplying fountains or reservoirs with water for any length of time not exceeding the duration of this charter; or to supply the said city or the inhabitants of said city, or within the ancient limits thereof, with water, in such quantity, for such time, and at such rate or rates as may be agreed upon by the parties, to borrow money, and contract debt on account of such company, by mortgage, pledge of its stock or otherwise, never to exceed one-half the actual bona fide stock subscribed, to improve and ornament any lot or grounds owned by said company, to lend any portion of its surplus capital on mortgage or otherwise, at a rate of interest not to exceed twelve per centum per annum; and generally to do and perform all acts and things necessary to carry into effect the powers contemplated by this charter.

Sec. 6. That the shares of said corporation shall be assign-

able and transferable upon the books of the company, according to such rules and regulations as the President and Directors thereof shall for that purpose ordain and establish.

Sec. 7. That the President and Directors of the corporation shall annually or semi-annually divide to the stockholders thereof so much of the profits of the business of the company, as in their discretion they shall deem safe and proper.

Sec. 8. The office of the company, incorporated by this act, shall be established in the city of San Antonio, where all its books and papers shall be kept, and at all times open and subject to the inspection of the stockholders.

Sec. 9. After the organization of said Company, the President and Directors thereof, may provide for the re-opening of the books of subscription to the capital stock of said company in the same manner as hereinbefore prescribed, under the superintendence of one or more of the Board of Directors; Provided, the whole amount of the capital of said company shall not exceed two hundred thousand dollars.

Sec. 10. That in case said company, the authorities of the city of San Antonio, or any other person, should disagree as to the damages to be paid for the right of conducting the water over any public street, plaza, or private grounds the same shall be determined by arbitrators, one to be chosen by each party, and in case they cannot agree, the amount to be determined by an umpire to be chosen by said arbitrators.

Sec. 11. That the privileges herein granted, shall not be so construed as to prevent the exercise of similar privileges by any other company hereafter incorporated, nor by the city of San Antonio, nor by any other person or persons associated; nor shall said company exercise their privileges under this charter in such manner as to interfere with the existing rights of irrigation.

Sec. 12. That this Act take effect and be in force from and after its passage.

Approved February 16, 1858.



## CHAPTER 134.

**An Act to incorporate the Texas Life, Fire and Marine Insurance Company of the City of Galveston, State of Texas.**

Section 1. Be it enacted by the Legislature of the State of Texas, (Charles L. Sayre, Samuel J. Powell, Archibald S. Ruthven, John Shackelford, William T. Austin, and Theodore O. Wilson and their present and future associates, successors and assigns, be, and they are hereby incorporated and created a body politic and corporate, by the name and style of the Texas Life, Fire and Marine Insurance Company, of the City of Galveston, State of Texas; and by that name and style they and their successors shall have continuance and succession for and during the term of twenty years from and after the passage of this Act, and by such name and style shall be capable of suing and being sued, and maintaining any action to final judgment and execution, and shall be in law capable of purchasing, holding, improving, and conveying any estate, real, personal or mixed, for the use of said corporation; and said corporation shall have a corporate seal, and shall have power to ordain, establish and put in execution such By-Laws, ordinances and regulations as shall be necessary for the government thereof, and for the transaction of its business; and it shall be lawful for said corporation after the expiration of its charter, to use the corporate name, style and capacity, for the purpose of the final settlement and liquidation of its affairs and accounts, and for the sale and disposition of its estate, real, personal and mixed, but not for any other purpose, nor in any other manner whatsoever; Provided, nevertheless, that said corporation shall not hold or own at any one time, real estate amounting in value to more than one-tenth of the capital stock of the Company actually paid in.

Sec. 2. The capital stock of said corporation shall not be less than one hundred and fifty thousand dollars, nor more than five hundred thousand dollars, divided into shares of fifty dollars each, which shares shall be deemed personal property, and such stock shall be created and paid in such manner and at such times as the President and Directors of the corporation shall require, of which requisition at least two weeks notice shall be given by publication in two newspapers printed in the city of Galveston; and if any stockholder shall fail to pay any installment so required to be paid, he or she shall cease to be

a member of said corporation, and shall forfeit his or her stock; and the share or shares so forfeited, may be sold by said corporation in such manner as they may provide by their By-Laws and regulations; but such forfeitures and sale of such stock shall not release the holder thereof, nor his or her sureties on the notes contemplated to be given by the sixth and eighth sections of this Act, from his, or her or their liability on account of said notes, to any person or persons having a just claim against said corporation, which shall have accrued before such sale.

Sec. 3. That for the well ordering and management of the affairs of said corporation, there shall be not less than seven nor more than thirteen Directors, who shall be elected by the stockholders at their annual meeting, to be held on the second Monday in January of each year, for that purpose, at the city of Galveston, and shall hold their office for one year and until others are elected, and who at the time of their election shall be citizens or residents of the State of Texas, or of the United States, and holders respectively of not less than five shares of the Company's stock; and the Directors shall at the first meeting after their election, choose one of their own number as President. In all elections for Directors, the vote shall be by ballot, and each stockholder shall have one vote for each share of stock he or she may hold; but no stockholder shall vote at any election unless the share or shares upon which he may claim to vote shall have been standing in his or her name on the books of the corporation for at least three months previous to such election; and in case of absence from any general meeting, any stockholder may vote by proxy in writing; Provided, That until the first annual election for Directors of said corporation, shall be held under the provisions of this Act, the persons named in the first section of this Act, or a majority of them shall have and may exercise all the powers given to the President and Directors by this Act.

Sec. 4. That the Directors of said corporation for the time being, any five of whom, including the President, shall form a quorum, shall have power to appoint such officers, clerks, agents and other persons as shall be necessary for conducting and executing the business of the corporation, and to allow said persons so appointed such compensation for their services as the Directors shall deem reasonable and just, and generally to exercise all other authority and powers for the well ordering and governing of the affairs and funds of said corporation.

Sec. 5. Said corporation shall have power to issue policies of Insurance against loss or damage by fire, on houses, stores and all other buildings or structures, and on personal property of any and all descriptions; to take Marine risks on steamboats, vessels and all kinds of water crafts, their tackle, apparel and appendages, freights and cargoes, and on all kinds of personal property in course of transportation by land or water; to insure on lives, and to do and perform all other necessary acts connected with a general Life, Fire Insurance business. All policies of insurance shall be subscribed by the President, and attested by the Secretary of the Company. And for the business so transacted, said corporation may charge, collect and receive such premiums of insurance as the President and Directors may deem just, reasonable and commensurate with the risk. It shall be lawful for said corporation to lend, at a rate of interest not exceeding twelve per centum per annum, any surplus capital which they may at any time possess, and which may not be required for the payment of losses previously incurred; Provided, That this Act shall not be construed to confer banking privileges in any guise, shape or form; And further provided, That the surplus capital to be loaned out shall consist in gold and silver; and said corporation may lend money on bottomry and respondentia security at marine interest.

Sec. 6. That the shares of said corporation shall be assignable and transferable upon the books of the Company, according to such rules and regulations as the President and Directors thereof shall for that purpose ordain and establish; and in case the assignee of any share or shares of stock, shall deposit his note with securities as contemplated and provided for in section eighth of this Act, the same to be approved by the County Court, as in said section eighth is provided, then the assignor of such share or shares shall have the right to withdraw and cancel his note or notes and securities given for such share or shares of stock; otherwise the notes and securities of said assignor shall be and remain subject and liable to all the conditions and provisions contained in section ten of this Act.

Sec. 7. The President and Directors of the corporation shall annually or semi-annually divide the stockholders thereof, so much of the profits of the business of the Company as in their discretion they shall deem safe and proper, which dividends when paid, shall in the discretion of the President and directors, be endorsed on the unpaid stock notes of

the party entitled to the dividend, until such notes are paid in full, or may in their discretion be paid to the parties entitled. But no dividend of any of the profits of the Company shall be made, unless the capital paid in remain unimpaired.

Sec. 8. The office of the Company incorporated by this Act, shall be located in the city of Galveston, and the stock and other books of the Company shall be there kept, and so soon as the President and Directors thereof shall establish by proof to the satisfaction of the County Court of Galveston county, that ten per centum on one hundred and fifty thousand dollars of the capital stock of the corporation has been paid by the stockholders to the Secretary of the Company, and that the balance or residue of said one hundred and fifty thousand dollars of capital stock has been secured to be paid when called for, as contemplated in the second section of this Act, by the notes of the holders of said capital stock well secured by not less than two good and solvent persons, or by mortgage on real estate in Galveston county; and also, shall establish to the satisfaction of said County Court, that the Direction of said corporation has been organized in conformity with the provisions of section third of this Act, then said County Court shall give them a certificate thereof, which shall be their warrant to commence business operations under the authority conferred by this Act.

Sec. 9. That any increase in the capital stock of said corporation, beyond one hundred and fifty thousand dollars, shall be by resolution of the stockholders at their regular annual meeting, and when any such resolution shall be adopted, notice thereof shall be given by publication for thirty days in some newspaper printed in the city of Galveston, after the expiration of which time, subscriptions shall be received for sixty days; and if at the expiration of said sixty days a greater amount of stock shall have been subscribed for than was ordered by the resolution of the stockholders, the amount ordered shall be equally divided among the subscribers; Provided, That persons who shall have subscribed less than an equal portion shall take only so much as they shall have subscribed.

Sec. 10. In case the corporation created by this Act, shall fail, refuse or be unable to pay any judgment which may be recovered against the same, the person or persons interested in such judgment, shall have a right of action against each stockholder thereof, and his, her or their securities on the notes re-

quired to be given by section eighth of this Act, until such judgment or judgments are satisfied and discharged.

Sec. 11. The officers of said corporation shall, during the month of January of each year, cause a full and accurate statement of the affairs of said Company to be made and published at least one week in some newspaper published in the city of Galveston, which statement shall be signed by the President and Secretary of the Company.

Sec. 12. Board of Directors may at any time make an order that a stockholder be required to renew his note contemplated to be given by the sixth and eighth sections of this Act, and when notice of such order shall be given to said stockholder, if he fail to comply therewith within thirty days by giving a new note with security, to be approved by said County Court, as provided in said sixth and eighth sections, he shall cease to be a member of said corporation; and thereupon, his stock shall be canceled, an account taken, and any amount found to be justly due to said stockholder, shall be returned to him; but the cancellation of such stock shall not release the holder thereof, nor his or her sureties on the stock notes, from his, her or their liability on account of said notes, to any person or persons having a just claim against said corporation, which shall have accrued before such cancelation.

Sec. 13. This Act shall take effect and be in force on and after the fifteenth day of January, 1858.

Approved, February 16th, 1858.

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## CHAPTER 135.

An Act to incorporate the Opelousas and Texas Western Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Travis G. Brooks, Matthew Cartwright, L. V. Greer, John G. Berry, F. B. Sexton, Charlton Payne, James H. Starr, John N. Fall, W. G. W. Jowers and A. J. Cope-land, are hereby constituted and appointed Commissioners, for the purpose of opening books of subscription for the

capital stock of the Railroad hereby chartered, whose duty it shall be to open said books, on such days and at such place as they may deem necessary, and to keep said books open until five hundred thousand dollars of stock shall be subscribed. It shall then be their duty, by advertisement in at least one of the public newspapers on the line of said road, for twenty days, to notify the stockholders to meet at the town of San Augustine, for the purpose of organizing by the election of a Board of Directors and President; which said Company, when organized as aforesaid, are hereby declared a body politic and corporate, under the name and style of the Opelousas and Texas Western Railroad Company, with capacity in said corporate name to make contracts, to have succession, and a common seal, to make by-laws for its government and the regulation of its affairs, **to sue and be sued, to plead and be impleaded, to grant and receive,** and generally to do and perform all such acts and things as may be necessary and proper for or incident to the fulfillment of its obligations, or the maintenance of its rights under this act, and consistent with the Constitution of the State; and the Commissioners herein named shall be styled the Commissioners of the Opelousas and Texas Western Railroad, for all the purposes herein mentioned, until after the election of the Board of Directors and President, as herein provided, from and after which time their powers shall cease. Provided, that a majority of said Commissioners may act for the purposes herein mentioned; And provided, further, the number of Directors shall be five, and that the President shall be elected by the Directors out of their number, the said Directors being elected by the stockholders; And further provided, that the franchise herein granted shall cease and determine, unless as much as five hundred thousand dollars of the capital stock of said company shall be subscribed, and as much as five per cent. thereon in cash actually paid in, on or before the first day of January, A. D. 1860.

Sec. 2. That said company be, and is hereby invested with the right of locating, constructing, owning and maintaining a Railway commencing at any point on the Sabine River, between latitude 30 deg. 30 min. and 32 deg. 30 min. North, and thence to run on the most practicable route, to intersect with the Southern Pacific, or the Memphis and El Paso Railroad at a point not west of the longitude of Fort Graham.

Sec. 3. That the amount of the capital stock of said company shall not exceed five millions of dollars; but when the

amount of five hundred thousand dollars, shall have been subscribed, and five per cent. thereon paid in cash, and the company organized, they may commence operation; which stock shall be divided into shares of one hundred dollars each, each share entitling the owner thereof to one vote in person or by proxy, at all meetings of the company, and the shares shall be deemed personal estate, and shall be transferable in such manner as may be provided in the by-laws of said company.

Sec. 4. The President and Directors shall hold their offices until others are duly elected in their places, by the members of the company. No person shall be eligible as Directors, unless a subscriber or overseer of at least five shares of the capital stock. The Directors shall have power to fill any vacancy in the Board, arising from non-election, death, resignation, or other causes, to appoint a Clerk, Treasurer and such other officers and agents as they may consider necessary and prescribe and require bonds for the faithful performance of their duties. They may, if the same is not fixed by the by-laws, determine the manner of holding and conducting all meetings, the number of members that shall constitute a quorum, and do, or cause to be done all other lawful matters, or things they may deem necessary or proper in conducting the business of the company. They shall keep, or cause to be kept, accurate books of accounts of the receipts and expenditures of the company; a majority of the Board of Directors shall have the power of a full Board; and all conveyances and contracts in writing, executed by the President and countersigned by the Treasurer, or any other officer duly authorized by the Directors, under the seal of the company, and in pursuance of a vote of the Directors, shall be binding and valid.

Sec. 5. That the shares in said capital stock may be disposed of by the Commissioners, or Directors, in such manner and on such terms as they shall think best, for the interest of the company, and any agreement in writing, whereby any person may become a subscriber to the capital stock, may be enforced against him according to its terms; and if any subscriber shall fail to pay any amount due upon the shares subscribed for by him according to the terms of his subscription, the Directors may sell at auction, and transfer to the purchaser the shares of such delinquent; and if the proceeds of sale shall not be sufficient to pay the amount so due, with interest and charges, such delinquent shall be held liable to the company for such deficiency; and if the proceeds shall exceed

the amount so due, with interest and charges, he shall be entitled to the surplus.

Sec. 6. That it shall be lawful for said company to enter upon and purchase, or otherwise take and hold any land necessary for the purpose of locating, constructing and maintaining said Railway, with all necessary depots and other business; and if they shall not be able to obtain such lands by agreement with the owners thereof, they shall pay such compensation as shall be determined in the manner provided for in the following section. The land so taken for the road-bed shall not exceed fifty yards in width, and for depots and other buildings only such further width as may be necessary.

Sec. 7. That any person, whose land has been taken as aforesaid, may apply to the Chief Justice of the county where the land is situated, for the appointment of three freeholders, and said Court shall thereupon appoint a time and place to hear the applicant and the company, to whom shall be given reasonable notice by the Court of said time and place; and said free-holders shall, after being sworn, and after hearing the parties, determine the amount of compensation as aforesaid, and make return of the award to such Court at its next regular term, and said award may be confirmed, or for any sufficient reason, be rejected by said Court in the same manner as the awards of arbitrators under a rule of Court; and if confirmed by the Court, judgment shall be rendered thereon as in other cases. In determining the amount of compensation, to be paid as aforesaid, said free-holders shall be governed by the actual value of the land at the time it was taken, in connection with whatever injury may result to other adjoining lands of the person from whom the lands shall have been taken by the establishment of said railway. If, in any case, the amount found by the arbitrators shall not exceed the amount proven to have been offered by said company to the owner, prior to his application to the Court, the owner shall pay the cost of the proceedings; otherwise, the company shall pay the same.

Sec. 8. That said company shall have the right to charge such amount for transportation of all produce, merchandise, and bulky freight, as the Directors may establish, not to exceed one-half of one per cent on each and every hundred pounds of such freight, for every mile the same may be transported over said railway; and for all passengers over said railway, said company may charge such sum, not to exceed



four cents per mile for each passenger, as said directors may establish; and said company shall have the right to cross all public highways that may be necessary in establishing and maintaining said railway, but shall be compelled to make causeways over all public highways so crossed, for the convenient passage of the public.

Sec. 9. That said company shall commence the construction of said railway within two years from the passage of this Act, and shall have completely graded twenty consecutive miles of said road within four years from the passage of this Act; and when the New Orleans, Algiers and Opelousas Railway is completed to the Sabine river, the company incorporated under the provisions of this Act, shall annually, thereafter, complete twenty-five miles of said road, until the same is wholly constructed; and should said company fail to comply with the conditions and requirements of this section, they shall forfeit and lose all rights under this Act.

Sec. 10. That said company shall be entitled to all the benefits and privileges of an Act to encourage the construction of railroads in Texas by donations of land, passed Jan. 30th, 1854, and of an Act to provide for the investment of the special school fund in the bonds of railroad companies incorporated by the State, passed Aug. 13th, 1856, and an Act to amend the third section of an Act entitled an Act for the investment of the special school fund in the bonds of railroad companies incorporated by the State, approved Aug. 26th, 1856, and upon the terms and conditions therein named.

Sec. 11. This company is hereby required, at all reasonable times and for reasonable compensation, to draw over their roads the passengers, merchandise and cars of other railroad corporations, which may have been or may hereafter be authorized by the Legislature, to enter with their railroad and connect with the railroad of this company; and if the respective companies shall be unable to agree upon the compensation aforesaid, it shall be the duty of the President of each company to select, each one, a man as a commissioner; and the two commissioners, so selected, shall choose a third in case of disagreement, neither of whom shall be a stockholder in either road, nor interested therein; and they shall fix the rates, which shall not be changed for one year from the time of going into effect. The said company shall also fix the periods at which said cars are to be drawn as aforesaid, having reference to the convenience and interest of said corporations and

the public, who will be accommodated thereby. The right or power is especially conferred on this said company, to connect and contract with any railroad company chartered by this State, for the performance of like transportation; and in case of disagreement between said companies, the same shall be referred to and settled as aforesaid, and be binding for one year as aforesaid.

Sec. 12. That the Board of Directors, to be elected under the provisions of this Act, are hereby authorized to form a junction, or connect with any other company or companies, in such manner as may best and most certainly secure the speedy construction of their said railway.

Sec. 13. That this charter shall remain in full force and effect for the period of fifty years from the final completion of the said railway; and the same shall, at all times, be subject to alteration or modification by the Legislature, whenever the same may be required for the public good.

Sec. 14. That this Act shall take effect from and after its passage.

Approved February 16, 1858.

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#### CHAPTER 136.

A Bill to be entitled an act supplemental to an act to incorporate the Opelousas and Texas Western Railroad Company, passed at the Seventh Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That the fifth section of an act to incorporate the Opelousas and Texas Western Railroad Company, shall hereafter read as follows:

That the shares in said capital stock may be disposed of by the Commissioners or Directors in such manner, and on such terms as they shall think best for the interest of the company; and any agreement in writing whereby any person may become a subscriber to the capital stock, may be enforced against him, according to its terms, and if any subscriber fail to pay any amount due upon the shares subscribed for by

him, according to the terms of his subscription, the Directors may sell at auction and transfer to the purchaser the shares of such delinquent, and if the proceeds of the sale shall not be sufficient to pay the amount so due, with interest and charges, such delinquent shall be held liable to the company for such deficiency; and if the proceeds shall exceed the amount so due with interest and charges, he shall be entitled to the surplus: Provided, nothing herein contained shall be so construed as to authorize or permit the sale of the charter or franchise of the company; and that no share shall be issued for less than its full value.

Sec. 2. That the 9th section of said act shall hereafter read as follows:

That said company shall commence the construction of said railway within one year from the passage of this act, and shall have completely graded forty consecutive miles of said road within four years from the passage of this act; and when the New Orleans, Algiers and Opelousas Railway is completed to the Sabine river, the company incorporated under the provisions of this act shall annually thereafter complete twenty-five miles of said road until the same is fully constructed. And should said company fail to comply with the conditions and requirements of this section, they shall forfeit and lose all right under this act.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved February 16, 1858.

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## CHAPTER 137.

### An Act supplemental to the Charter of the Aransas Road Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Aransas Road Company may make and maintain a permanent Railroad as a substitute for the turnpike which it is authorized to make to the Rio Grande, and the road may extend from any point on Aransas or Corpus Christi bays to or across said river at any point not higher

than Laredo; and a depot of said road, convenient for access from Corpus Christi Bay, shall be made and maintained in the city of Corpus Christi; and the company may make and maintain any bridge of said railroad so as to accommodate ordinary travel and transportation on the terms that are or may be allowed to it for any other bridge of equal extent; and the company, on like terms, may substitute a ferry for any of its bridges, until the latter may be prepared for use, and may, with the consent of the corporation of the city of Corpus Christi, construct and maintain a bridge across or over the ship canal between the bays of Corpus Christi and Aransas; and the company shall have a right of way as other rights of way under the charter, across Corpus Christi reef, but so as to allow an eligible way for a turnpike across that reef; and the provisions of the charter in other respects, as they are or may be, and the general laws concerning such subjects shall apply to said railroads with its incidents, except the provisions for granting lands or loans.

Sec. 2. A substantial commencement of said railroad shall be made before the first day of January eighteen hundred and sixty; and at least five miles of said road shall be constructed prior to that time; and the road shall be completed from Corpus Christi to the Rio Grande, with proper equipments, within six years thereafter, on failure either of commencement or completion, as aforesaid, the right to make and maintain such railroad shall terminate.

Sec. 3. Capital stock to the amount of three millions of dollars shall be added to the present capital stock of the company, on account of said railroad; and five per centum of the entire capital stock of the company, in value of cash and other property, shall be owned and possessed by the company before it shall otherwise avail itself of the foregoing provisions as to said railroad, which fact shall be established by a certificate of the President of the Company deposited with the Governor; Provided, that nothing herein contained shall be so construed as to authorize the said company to sell or otherwise dispose of any other franchise granted by this act, or to issue certificates of paid stock for any larger amount than shall have been actually received by said company in cash or its equivalent.

Sec. 4. That this Act take effect and be in force from and after its passage.

Passed, February 16, 1858.

## CHAPTER 138.

An Act supplemental to "An Act to incorporate the Sabine and Rio Grande Railroad Company," approved February 6th, 1854.

Section 1. Be it enacted by the Legislature of the State of Texas, That the tenth section of the above recited Act, to which this is a supplement, be, and the same is hereby amended so as to read as follows:

"The corporation shall have power to call for such portion of the capital stock subscribed on each share in any one year, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days notice in some newspaper published in the State of Texas, or where said stock is made payable, and that no payment shall exceed twenty cents on the dollar on the amount of stock subscribed by any individual, and that a second call shall not be made within sixty days of the first, or any other call for payment. If any stockholder shall neglect or refuse to pay any such instalment within ten days after the time named for such payment, then the Company may declare such delinquent stockholder to have forfeited all of his or her stock, together with the full amount that may have been paid in by such delinquent stockholder, and cause the name of such delinquent stockholder to be erased from the books and list of stockholders; provided, nothing herein contained shall be so construed as to excuse any one from the full payment of the five per cent as required by the third section of said Act of incorporation.

Sec. 2. That the provisions of the Act to which this is a supplement, be, and the same is hereby extended until the sixth day of February, eighteen hundred and sixty-two, and that all laws and parts of laws, conflicting with the provisions of this supplemental Act, be, and the same is hereby repealed.

Sec. 3. That the said Company may construct their said road on the most practicable route by way of San Antonio to Rio Grande, without regard to the intermediate points mentioned in the second section of the charter; and that said Company may form a connection with any other Railroad west of the Trinity river, on the same terms and conditions of the general Railroad laws of the State; provided, that if said Company should connect with any such road, it shall not be

allowed to construct another road parallel with that with which the connection is made, nor shall said Company be allowed to construct its road parallel to any other road being constructed under a charter heretofore granted, at a distance nearer than thirty miles. And provided further, that said Company shall be required to have subscribed by the sixth day of February, 1860, as much as six hundred thousand dollars of its capital stock, and as much as five per cent thereof, actually paid in; And that this Act take effect and be in force from and after its passage.

Passed, February 16th, 1858.

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CHAPTER 139.

An Act to incorporate the Waco Union Female Institute.

Section 1. Be it enacted by the Legislature of the State of Texas, That Thomas H. Barrow, Caleb M. Hubby, S. M. Glenn, Charles L. Frew, and James L. L. McCall, be, and they are hereby declared a body corporate and politic, under the name and style of "The Trustees of the Waco Union Female Institute."

Sec. 2. That said Trustees shall constitute a body corporate and politic in fact and in law; and in the name of the "Trustees of Waco Female Institute," may sue and be sued, plead and be impleaded in any Court of the State; and shall have power to appoint successors, and shall hold property, real or personal, to the amount of ten thousand dollars for the benefit of said Literary Institution.

Sec. 3. That this Act take effect from its passage.

Approved, February 16th, 1858.

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CHAPTER 140.

An Act to incorporate the Bosque College and Seminary.

Section 1. Be it enacted by the Legislature of the State of Texas, That Mordecai Yell, N. Byars, R. N. Goode, J. L. L. McCall, John Cobbs, J. H. Sparks, Wm. Gill, George B.

Erath, Amos Morrill, and W. B. Walker, and their successors in office, are hereby created and declared a body corporate and politic, by the name and style of "The Trustees of Bosque College and Seminary," and by that name shall sue and be sued, plead and be impleaded in any of the Courts of this State; shall have power to contract and be contracted with, and shall have power of electing or appointing their successors in office, and shall be perpetual, and hold property, real, personal or mixed, for educational purposes, not to exceed in value fifty thousand dollars, and may procure a seal to authenticate their acts; and that this Act take effect from and after its passage.

Approved, February 16th, 1858.

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#### CHAPTER 141.

##### An Act to incorporate the Navisoto Turnpike and Toll-Bridge Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Harvey Mitchell, and such other persons as he may hereafter associate himself with, be and they are hereby incorporated under the name and style of the "Navisoto Turnpike and Toll-Bridge Company," and under such name shall sue and be sued, and have succession for thirty years, or twenty-five years from the completion of the said Bridge and Turnpike. They may have a corporate seal, and the right of holding property, real and personal, for the purpose of carrying out the objects of this incorporation, and may transfer, alienate and dispose of their joint or individual interest therein at pleasure.

Sec. 2. That the said Company shall construct the said Turnpike from the timber and dirt of the said Harvey Mitchell's land, commencing at a point on the west side of the said Navisoto bottom above overflow, and construct the said Turnpike above the high water mark on the timber in said bottom, and the said Company shall construct good and substantial bridges across all sloughs which may intervene between the

said beginning point and the west side of the said bottom to the dry lands above overflow on the east side of the said bottom, and they shall be required to construct and keep up a good, substantial and permanent bridge across the said Navisoto river and sloughs until the expiration of this charter; Provided, said Company shall not be permitted under the provisions of this charter to obstruct any public road now in existence.

Sec. 3. That the said Harvey Mitchell and his associates, shall complete the said Turnpike and Bridges within three years from the passage of this Act, and shall keep the same in good repair for the entire term of twenty-five years thereafter, and they shall be ready at all times to pass all passengers, carriages, wagons, teams and stock that may wish to cross on said Bridge, to entitle the said Company to the several rates of toll hereinafter specified.

Sec. 4. That the said Mitchell and his associates, shall be responsible for any accident or detention which may happen to any one so crossing, and if it be established that such accident or detention was caused from any insufficiency or neglect, pertaining to said bridge or Company.

Sec. 5. That said Mitchell and his associates, shall be entitled to receive from and after the completion of the above named Turnpike and Bridge for the term of twenty-five years, the following rates of toll, to-wit: From all persons who cross or whose wagons, teams, carriages or stock of any kind may cross the said Turnpike and Bridges, viz: For four horse wagons, loaded, fifty cents; each additional pair of horses, ten cents; empty wagons, forty cents; for a loaded ox wagon, not exceeding three yoke of oxen, fifty cents; empty ox wagon, forty cents; for each extra yoke of oxen, ten cents; for a two horse wagon loaded, thirty cents; for a two horse carriage, fifty cents; for a one horse buggy, thirty-five cents; for a loaded cart and one yoke of oxen, thirty cents; a man and horse, ten cents; footman, five cents; for a loose horse, five cents; for each head of loose stock of beef cattle, five cents; for each head of sheep, goats or hogs, two and one-half cents.

Sec. 6. That whenever the said Harvey Mitchell and his associates, shall permit the said Bridge or Turnpike to get out of good order or become dangerous to the traveling community to pass thereover, for the term of two weeks at any one time, the said Company shall forfeit all their rights and privileges under the provisions of this charter.



Sec. 7. That if any person shall wilfully fail or refuse to pay tolls after crossing the said Bridge, he shall be liable to forfeit and pay to the said Company the sum of five dollars, and the costs of suit, recoverable before any Justice of the Peace as in other cases.

Sec. 8. That the said Company shall not be permitted to prevent individuals from traveling any other road other than the said Turnpike road; and that this Act take effect immediately after its passage.

Approved, February 16th, 1858.

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#### CHAPTER 142.

An Act permitting Nancy Coleman, Sen., and other free persons of color therein named, to remain in the State of Texas until the 6th day of April, A. D. 1860.

Section 1. Be it enacted by the Legislature of the State of Texas, That Nancy Coleman, Sen., and her children, viz: Little Nancy, Baker, Eli, Jenny, Catharine, and Charlotte, and the children of said Little Nancy, viz: Ben, Mary, Dinah, Nathan, Joe, and Tim; and the children of said Jenny, viz: Frances, William, Lizzy, and Adaline, and Floyd, a child of said Catharine, all free persons of color, to be permitted to remain in this State until the sixth day of April, A. D., one thousand eight hundred and sixty, (1860.)

Sec. 2. That said free persons of color shall be subject to all the laws of this State regulating slaves and slavery, during the time they are permitted to remain in the same by this Act.

Sec. 3. That said free persons of color be allowed thirty days after the expiration of the time aforesaid, to remove from this State.

Sec. 4. That this Act take effect and be in force from and after its passage.

Approved, February 16th, 1858.

CHAPTER 143.

An Act for the relief of Willis Avery, the heirs of Jesse Barker, the heirs of James Smith, the heirs of Jacob Carsner, and the heirs of Jacob Eberly.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Willis Avery, the heirs of Jesse Barker, the heirs of James Smith, the heirs of Jacob Carsner, and to the heirs of Jacob Eberly, a headright certificate for one league of land each, which said certificate may be located and patented as other land certificates.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved, February 16th, 1858.

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CHAPTER 144.

An Act for the relief of Alexander F. Allbright, Enoch Grigsby, L. W. Hancock, the heirs of Charles Gilchrist, and the heirs of Luis Fuentes.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the Court of Claims be authorized and required to issue to Alexander F. Allbright, a duplicate certificate for one league and labor of land; to Enoch Grigsby, a donation certificate for six hundred and forty acres of land, for being in the siege of Bexar in 1835; and a bounty certificate for three hundred and twenty acres for three months services under Captain John Ingram, in 1836, and three months pay at eight dollars per month; to the heirs of Charles Gilchrist, a certificate for one league, in consideration of grant issued by Geo. A. Nixon to said Charles Gilchrist, on the 20th day of November, 1835; to L. W. Hancock, a patent for three hundred and twenty acres, which shall be based upon a survey

made by Geo. W. Locke, county Surveyor of Shelby county, as appears by the field notes thereof, dated 10th March, 1857, upon a certificate No. 1464, issued by the Adjutant General of the State on the 24th December, 1853, to said Hancock, in lieu of A. Poe certificate; to the heirs of Luis Fuentes, a certificate for six hundred and forty acres.

Sec. 2. And that this Act take effect from and after its passage.

Approved, February 16th, 1858.

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#### CHAPEER 145.

An Act to authorize the Commissioner of the Court of Claims to approve headright certificate No. 42, issued by the Board of Land Commissioners of Robertson county to the heirs of Robt. Thompson, on the 9th day of October, A. D. 1841.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the Court of Claims be, and he is hereby authorized and required to approve headright certificate No. 42, issued by the Board of Land Commissioners of Robertson county, to the heirs of Robt. Thompson on the 9th day of October, A. D. 1841; and that this Act take effect and be in force from and after its passage.

Passed, February 16, 1858.

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#### CHAPTER 146.

An Act for the relief of W. B. Mauldin.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to patent to W.

B. Mauldin, his pre-emption claim located in Burleson county, for one hundred and sixty acres of land, on the payment of the office fees upon the same; and that Act take effect from its passage.

Passed, February 16th, 1858.

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CHAPTER 147.

An Act for the relief of the heirs of John Gay, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized to issue to the heirs of John Gay, a certificate of twelve hundred and eighty acres bounty land, which may be located and patented as other bounty land warrants; Provided, that the certificate shall not be issued before the first day of September, A. D. 1858; and that this Act take effect and be in force from and after its passage.

Approved, February 16th, 1858.

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CHAPTER 148.

An Act for the relief of Henry M. Smith, of Rusk county, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That a pension of two hundred and fifty dollars be, and is hereby granted, for the term of his natural life, to Henry M. Smith, of Rusk county, Texas, who was permanently disabled by a gun-shot wound in the Cherokee fight, in which Bowles was killed, on the 16th day of July, A. D. 1839.

Sec. 2. That this Act take effect from and after its passage.

Approved February 16, 1858.

## CHAPTER 149.

## An Act to incorporate the Lavaca Insurance Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That there may be established in the city of Lavaca, a company for the purpose of transacting a general insurance business, which company shall be called and known by the name of the "Lavaca Insurance Company;" and the stockholders and their successors shall have continuous succession, and by that name shall be capable of suing and being sued, in all the Courts of this State; of purchasing, holding and conveying property of all descriptions, not to exceed one hundred thousand dollars; to make, have, and use a common seal, and the same to alter and renew at pleasure, and generally to do any act necessary to carry into effect the objects of the corporation, not inconsistent with the laws and Constitution of the State, or of the United States.

Sec. 2. Be it further enacted, That the capital stock of this company shall be one hundred thousand dollars, to be divided into one thousand shares of one hundred dollars each, and the same to be paid in the manner following: Ten dollars on each share at the time of subscription, and the residue at such time as the President and Directors may direct; which capital stock may hereafter be increased to three hundred thousand dollars, at the discretion of the President and Directors of the corporation. The said stock shall be deemed and held as personal property; and if any stockholder shall neglect and refuse to make the payments as required, his stock may be sold by order of the President and Directors in such manner as they may think fit to direct, and such stockholders shall be liable for the balance due by him as stockholder, to the corporation as it becomes due, and may be sued in the District Court of Calhoun county for the same.

Sec. 3. And be it further enacted, That the books of subscription shall be opened in the city of Lavaca, for said shares, under the superintendence of C. Monod, A. J. Walker, Thimas Wilson, R. M. Forbes, W. Moses, Stephen J. Lee, R. J. Clow, James McKee, Charles Rossi, A. H. Cooke, W. J. Keen, William Randall, and D. A. Clark, or any three of them. That said books of subscription shall be opened at any time prior to the first day of January next, at such place, in said city of Lavaca, as said commissioners, or any three of them,

may direct; advertisement of the time and place of opening such books, to be made for one week in a newspaper published in Lavaca, and they shall be kept open until the said sum of one hundred thousand dollars shall be subscribed for; and the said commissioners, or any three of them, shall, as soon as may be after the books of subscription are closed, call a meeting of the stockholders, who shall proceed to the election of not less than three nor more than seven directors, as may be determined by them; and the said Directors shall elect one of their own number President; and the said President and Directors, elected in pursuance of this Act, shall have full power and authority to make, appoint, and remove at pleasure, all officers and agents of said corporation, to fix their compensation, prescribe their duties, and provide for the taking of bonds from them for the faithful discharge of their duties, and generally manage the affairs of said corporation. They shall also have the power to fill any vacancy which may occur in their own body, and also to appoint a President, *pro tem.*, when the President may be absent from their meetings; and if the President or any Director be absent without leave for five successive regular meetings of the Board, a majority of the same may declare his place vacant, and proceed to fill it, without notice to such absent President or Director.

Sec. 4. Be it further enacted, That the Directors of the corporation shall call an annual meeting of the stockholders, to make such election for Directors, who, when so elected, shall hold their offices for the term of one year, or until their successors are elected; and in all meetings of the stockholders, those holding a majority of the stock shall constitute a quorum, and each stockholder shall be allowed one vote for each share he holds, and the stock may be represented either in person or by proxy, and the power to cast the votes of absent stockholders may be constituted by any written expression of the stockholder so appointing a proxy to vote for him.

Sec. 5. Be it further enacted, That said corporation shall have full power to make insurance upon ships and other sea vessels, and upon steam-boats and all other river crafts, and boats of every kind, and all goods, wares, and merchandise, slaves, bullion, money and other property, against all maritime and river risks, and upon houses, stores, and other buildings, goods, wares, and merchandise of every description, against loss or damage by fire, and to fix the premium

thereon; to receive deposits of money or other valuable thing on trust, and accept all such trusts as may be confided to it; to borrow money and issue its bonds therefor; to invest its moneys, or other property, in any thing, and in any manner which it would be lawful for a citizen of the State to invest money; and the said property or securities, to sell and transfer at pleasure; and it may loan its moneys or other property, to any person or persons, on any security it may think proper; provided, that nothing in this Act shall be so construed as to authorize the corporation to use its monies or other properties, in any manner which it may not be lawful for any citizen of this State to do.

Sec. 6. Be it further enacted, That the President and Directors of said corporation shall have the power to fix the places and modes of transfer of certificates of stock, as well as the payment of interests and dividends; that a majority of the Board of Directors shall constitute a quorum for the transaction of business, and that said Board of Directors shall also have power to pass such by-laws as may be necessary to carry this Act into effect, to delegate authority to such officer or person, as they may deem proper, and to execute or authorize the execution of all such bargains and contracts as may seem to them best for the interests of the corporation.

Sec. 7. Be it further enacted, That the said corporation shall be responsible to the extent of its property, and the stockholders to the extent of the amount of respective stock not paid up.

Sec. 8. Be it further enacted, That this charter, and all the privileges and powers herein granted, shall continue in force and effect for the full term of twenty-five years from the date of subscription of stock; and that the property, funds and business transactions of the corporation, shall be subject to the same rate of taxation by law imposed on the property, and similar transactions of individuals. That this Act shall be in force from its passage.

Approved February 16, 1858.

CHAPTER 150.

An Act to incorporate Corpus Christi Academy.

Section 1. Be it enacted by the Legislature of the State of Texas, That an institution of learning be established in the city of Corpus Christi, in the county of Nueces in the State of Texas, to be denominated Corpus Christi Academy.

Sec. 2. That M. P. Norton, G. W. Kinney, S. W. Fullerton, F. Belden, George Noessell, H. A. Gilpin, W. Merriman, Charles Russell, Cornelius Cahill, F. A. Blucher, B. F. Neal, Richard Power, Charles Loven Koild, and their associates and their successors are hereby constituted a body politic and corporate, in deed and in law, under the name and style of "Corpus Christi Academy;" and by that name they and their associates and successors shall and may have succession, and be able and capable in law, to have, receive and enjoy to them and their associates and successors, lands, tenements and hereditaments of any kind in fee, for life and for years, or personal property of whatsoever kind, also all sums of money and whatever else may be given, granted or bequeathed to them for the purpose of promoting the interests of said institution; and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended in all courts of law and equity in this State; and to grant, bargain, sell or assign any lands, tenements, goods or chattels now or hereafter belonging to said Academy, and of doing and performing all things whatsoever, that they may deem beneficial to said Institution, not contrary to the Constitution and Laws of the State; Provided, the capital stock of said Academy shall never exceed the sum of fifty thousand dollars.

Sec. 3. That there shall be five Trustees, who shall take and have charge of said Institution, a majority of whom shall constitute a quorum to transact business.

Sec. 4. That any person may become an associate or shareholder in said corporation by paying to the said institution the sum of thirty dollars in such manner and under such restrictions as the Trustees may prescribe, for which sum a receipt shall be issued by the Treasurer of the said institution, which receipt shall constitute a share in said institution, and which shall be transferable by said individual; and the name of the person transferring his share, shall be erased, and the



name of the purchaser inserted in the record of the Secretary, when the purchaser of said share shall be entitled to all the privileges of the original holder, voting at elections either in person or by proxy. Provided, that no shareholder in the said institution shall own more than thirty shares.

Sec. 5. That, whenever as many as five shareholders shall file with the secretary a petition for the expulsion of any shareholder, the Trustees shall as soon thereafter, as convenient by public notice, convoke a meeting of all the shareholders, and if two-thirds of them attend, they may consider and determine upon such expulsion. Provided, That the votes of two-thirds of those in attendance shall be required to make such expulsion, and provided further, that the amount of the shares, owned by the persons thus expelled, shall be refunded to them by the Treasurer.

Sec. 6. That the following named persons shall constitute the first Board of Trustees of said institution, viz: W. Merriman, Charles Russell, H. A. Gilpin, F. A. Blucher, Charles Lovens Koild, G. W. Kinney.

Sec. 7. That on the first Monday in October, A. D. 1858, and every year thereafter, after their annual election said election said trustees shall meet and elect by ballot one of their members, to act as President for the ensuing year; and at the same time they shall elect from among the stockholders one to act as Treasurer, and one to act as Secretary for the ensuing year, and said officers having been elected, the trustees shall be deemed organized in due form, and shall constitute the Board of Trustees of the Corpus Christi Academy.

Sec. 8. That on the first Monday in October in each year, between the hours of 9 A. M., and 2 P. M., in the Academical building, there shall be elected by the shareholders of said Institution five trustees to serve for the ensuing year. Provided, that if from any cause whatever any of the number of trustees so required, should not be elected at said annual election, then the old trustees shall continue to perform their functions, until their successors shall be elected; and provided further, that in case of any vacancy occurring during the regular term, the trustees shall fill the same by appointment from among the shareholders.

Sec. 9. That the Board of Trustees shall have power to employ one principal and as many teachers and assistants for the Academy, as its educational interests may require, and they shall assign to all persons so employed, and to the Sec-

retary and Treasurer their respective duties. They shall have power to appropriate any money in the Treasury, to the payment of the salary of any employee or officer, and it shall be their duty to fix all the salaries, and to enforce the collection of tuition fees, and all money due to the Academy. They shall establish preparatory, primary, intermediate and higher male and female departments; shall prescribe the course of studies, fix and regulate the price of tuition, and the length of the sessions and vacations; shall have power to select the locations for the academical buildings, to purchase the necessary grounds, and thereon to cause to be erected all requisite buildings and improvements, and to purchase such books and apparatus as they may deem necessary for the use of said Academy. And generally a majority of said trustees shall have power to transact all business properly belonging to corporate bodies and within the purview of this act of incorporation, to pass all by-laws for the regulation of this institution and for the government of the Board of Trustees, not inconsistent with the laws of the State and the provisions of this act, but they shall not have power to alienate any property of the corporation unless by consent of a majority of the stockholders.

Sec. 10. That the said Board of Trustees of said Academy shall and may have and use a common seal for the business of themselves and their successors, and any document sealed with said seal, and signed by the President, and attested by the Secretary, shall be deemed duly authenticated.

Sec. 11. That the said Board shall have power to appoint honorary members to their number, and said members may take their seats at any meeting of the Board and advise and confer with the trustees; but in no case they shall not be entitled to vote.

Sec. 12. That the principal shall have power to enforce all laws adopted by the Board of Trustees for the government of the Academy, by such measures as may be deemed reasonable, by rewarding and censuring, and finally by suspending such of the scholars, as after repeated admonitions shall continue disobedient and refractory, but it shall only be in the power of a quorum of the Trustees and principal to expel any student.

Sec. 13. That the Board of Trustees, conjointly with the principal, shall have the power to grant and confer such degrees upon any students of said Academy, as by them may be deemed worthy, as are usually granted or conferred by similar

institutions, and to give diplomas, thereof, signed by them, and sealed with the common seal of the Trustees of said Academy, to authenticate the memory of such graduation.

Sec. 14. That all officers, teachers and assistants shall be elected by the Board of Trustees, during good behavior, and they shall be removable by a vote of a majority of the board for neglect, incompetency, or misconduct in office.

Sec. 15. That every donation, devise or bequest shall be applied in strict conformity with the express conditions of the donor or deviser, nor shall any of the property or funds belonging or in any wise appertaining to the said Institution, be directed from the primary object for which they were donated, and no misnomer of said institution, shall defeat, annul, or invalidate any gifts, grants, devise or bequest to the same.

Sec. 16. That said Academy shall be forever free from the conduct of any particular religious denomination, or sectarian doctrine, and shall be open for the use and benefit of all, as an institution of learning.

Sec. 17. That this act shall be and remain in force for twenty years; and this act shall take effect from and after its passage.

Passed, February 16, 1858.

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## CHAPTER 151.

### An Act for the relief of Thomas Stayton.

Section 1. Be it enacted by the Legislature of the State of Texas. That the Commissioner of the General Land Office, is hereby authorized and required to issue to Thomas Stayton, a certificate for six hundred and forty acres of land, to be located, surveyed and patented as other Peters' Colony certificates. And that this act take effect and be in force from and after its passage.

Approved, February 15, 1858.

## CHAPTER 152.

**An Act to Incorporate the Columbus, San Antonio, and Rio Grande Railroad Company.**

Section 1. Be it enacted by the Legislature of the State of Texas, That T. N. Waul, John James, John N. Kelly, C. Ballard, R. M. Tevis, William Harbert, A. M. Campbell, William Vance, T. J. Pilgrim, E. B. Nichols, George W. Smyth, John C. French, and their associates and successors, be, and they are hereby created and appointed Commissioners to open books and to receive subscriptions to the capital stock of a company to be styled "The Columbus, San Antonio, and Rio Grande Railroad Company." But they shall receive no subscription to said capital stock, unless five per cent. thereof in cash shall be paid to them at the time of subscribing, and should they receive subscriptions to said stock without said payment, they shall be personally liable to pay the same to said corporation when organized. A majority of said Commissioners shall constitute a quorum to do business, and they may hold their meetings at such times and places as a majority shall designate; Provided, that public notice of all such meetings shall be given by publication in one or more newspapers printed in some of the counties through which said road is to pass, at least twenty days before any such meetings.

Sec. 2. That the subscribers to said capital stock, whenever they shall have selected Directors in the manner hereinafter provided, shall be, and they are hereby created, and established a body corporate and politic, under the name and style of "the Columbus, San Antonio and Rio Grande Railroad Company," with capacity in said corporate name to make contracts, to have succession and a common seal, to make by-laws for its government, and the regulation of its affairs, to sue and be sued, to plead and be impleaded, to grant and receive, and generally to do and perform all such acts and things as may be necessary and proper for or incident to the fulfillment of its obligations, or the maintenance of its rights under this act, and consistent with the laws and constitution of this State and the United States.

Sec. 3. That the corporate stock of said company shall not exceed five millions of dollars, that said corporation shall be, and is hereby invested with the right of locating, con-

structing, owning, and maintaining a railway, commencing on the west bank of the Colorado, in the county of Colorado, at or near Columbus; thence running west on the most practicable route by way of Gonzales and San Antonio, to a point on the Rio Grande river, not more than five miles below, nor more than forty miles above Eagle Pass. That the capital stock of said company shall be divided into shares of one hundred dollars each, each share entitling the owner thereof to one vote in person or by proxy at all meetings of the company, and the shares shall be deemed personal estate, and shall be transferable in such manner as may be provided for by the laws of the company.

Sec. 4. That the immediate control and direction of the affairs of said corporation, shall be vested in a Board of not less than seven, nor more than thirteen directors, to be chosen by the stockholders. No person shall be eligible as a director, unless he is the owner of at least five shares of the capital stock; the said directors shall choose one of their number to be president of the company; they shall have power to fill any vacancy in their board arising from non-election, death, resignation, or other cause; to appoint a clerk, treasurer, and such other officers and agents as they may think proper, and prescribe and require bonds for the faithful performance of their duties; they may make all necessary rules and regulations for holding of meetings and all other things they may deem proper for carrying out the provisions of this charter and the business of the company; they shall keep or cause to be kept accurate books of accounts of the receipts and expenditures of the company; a majority of the board of directors shall have the power of a full board, and all conveyances and contracts in writing, executed by the President, and countersigned by the Treasurer, or any other officer duly authorized by the directors under the seal of the company, and in pursuance of a vote of the directors shall be binding and valid. Whenever three hundred thousand dollars of the capital of said corporation shall have been subscribed, and five per cent. thereof shall have been paid to the Commissioners heretofore named, they shall cause an election to be held by the said subscribers at the town of Gonzales, for not less than seven directors, having first given notice of the time of said election, in some newspaper published in one of the counties through which said road is to pass, after which the said commissioners shall account for and pay over to said directors all such sums

as they shall have received of the capital stock of said company; the said directors shall have power to receive further subscriptions to the capital stock of said corporation from time to time, until the whole amount thereof shall have been subscribed; but five per cent. of all such subscriptions shall be paid in cash at the time of subscribing, and the directors shall be personally liable to said company for five per cent. of all such subscriptions they may receive to said capital stock without such payment; provided, however, that said company may by the vote of a majority of the stockholders, cause certificates of stock to be issued in payment of any debt contracted for the construction or equipment of their road; provided, the stock shall not be sold at less than par value. Any agreement in writing whereby any person may become a subscriber to the capital stock, may be enforced on him according to its terms, and if any subscriber shall fail to pay any amount due upon the shares subscribed for by him, according to the terms of his subscription, the directors may sell at auction and transfer to the purchaser the share of such delinquent, and if the proceeds of sale shall not be sufficient to pay the amount due with interest and charges, such delinquent shall be held liable to the company for such deficiency, and if the proceeds shall exceed the amount due with interest and charges, he shall be entitled to the surplus.

Sec. 5. That it shall be lawful for said company to enter upon the purchase, or otherwise take and hold any land necessary for the purpose of locating, constructing and maintaining said railway, with all the necessary depots and other business connected with said railway, and if they shall not be able to obtain such lands by agreement with the owners thereof, they shall pay such compensation as shall be determined in the manner provided for in the following section, the land so taken for the road-bed shall not exceed fifty yards in width, and for depots and other buildings only such further width as may be necessary.

Sec. 6. That any person, when land has been taken as aforesaid, may apply to the Chief Justice where the land is situated, for the appointment of three freeholders, and said court shall thereupon appoint a time and place to hear the applicant and the company, to whom shall be given reasonable notice by the court, of the time and place, and said freeholders shall, after being sworn and hearing the parties, determine the compensation as aforesaid, and make return of the award to

such court at its next regular term, and said award may be confirmed, or on any sufficient reason rejected by said court, and if confirmed by the court, judgment shall be rendered thereon as in other cases. In determining the amount of compensation to be paid as aforesaid, said freeholder shall be governed by the actual value of the land at the time it was taken, with whatever injury may result to the adjoining lands of the person from whom the land has been taken by the establishment of said railway. If in any case the amount (found by the arbitrators shall not exceed the amount) proven to have been affected by said company to the owner prior to the application to the Court, the owner shall pay the cost of the proceedings, otherwise the company shall pay the same.

Sec. 7. That said company shall have the right to charge such amount for the transportation of all produce or merchandise and bulky freights as the directors may establish, not to exceed fifty cents per hundred pounds of freight for every hundred miles, the same may be transported over said railway; and for all passengers over said railway said company may charge such sum not to exceed four cents per mile for each passenger, as said directors may establish; and said company shall have the right to cross all public highways that may be necessary in establishing and maintaining said railway, but shall be compelled to make causeways over all public highways crossed for the convenient passage of the public.

Sec. 8. That said company shall commence the construction of said railway within two years, and complete twenty-five miles within four years from the passage of this act, and twenty-five miles annually thereafter, until the same reaches San Antonio; and should said company fail to commence and prosecute the road as herein prescribed, they shall forfeit all their rights and privileges to construct said road further under this charter; and should said company prosecute their road beyond San Antonio to the Rio Grande, they shall complete ten miles annually under the same conditions and penalties as set forth in the preceding part of this section.

Sec. 9. That the said company shall be entitled to receive under the provisions of an act to encourage the construction of railroads in Texas by donations of land, approved January 30th 1854, sixteen sections of land per mile for the first twenty-five miles of its road, and also for each subsequent twenty-five miles of road; provided, the same shall be constructed within

the time prescribed in the next preceding section, until the said act shall be repealed, or expires by limitation.

Sec. 10. This company is hereby required at all reasonable times, and for reasonable compensation, to draw over their road the passengers, merchandise and cars of other railroad corporations which have been, or which may hereafter be authorized by the Legislature, to enter with their railroad and connect with the said road of this company, and if the respective companies shall be unable to agree upon the compensation aforesaid, it shall be the duty of the President of each company to select each one man as a commissioner, and the two commissioners so selected, shall choose a third in case of disagreement, neither of whom shall be stockholders in either road, nor interested therein, and they shall fix the rates which shall not be changed for one year from the time of going into effect. The said company shall also fix the periods at which said cars are to be drawn as aforesaid, having reference to the convenience and interests of said corporations and the public who will be accommodated thereby, the right or power is especially conferred on this said company to connect and contract with any railroad company chartered by the State for the performance of like transportation and in case of disagreement between said companies, the same shall be referred to, and settled as aforesaid, and be binding for one year as aforesaid.

Sec. 11. That the board of directors to be elected under the provisions of this act, are hereby authorized to form a junction, or connect with any other company or companies, in such manner as may best and most certainly secure the speedy construction of their said railway; and in case of a connection with any other railroad, before reaching San Antonio, said company shall not be bound to construct its road further than to such connecting point; but may begin such road at San Antonio, and run thence to the Rio Grande, as before mentioned.

Sec. 12. That this charter shall remain in full force and effect for the period of ninety years; provided, the conditions required in said charter have been fully complied with, from the completion of the said railway; and the same shall at all times be subject to the general laws regulating railroads, passed by the Legislature of this State.

Sec. 14. That nothing in this act shall be so construed as



to entitle said Railroad to any of the benefits of an act passed August 13th, 1856, providing for the investment of the Special School Fund in the bonds of Railroad Companies incorporated by the State. This act to take effect from and after its passage.

Passed, February 16, 1858.

STATE OF TEXAS.

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I, T. S. Anderson, Secretary of State of the State of Texas, certify that the session of the Seventh Legislature of said State commenced, at the city of Austin, on Monday the second day of November, in the year one thousand eight hundred and fifty-seven, and adjourned on Tuesday, the sixteenth day of February, in the year one thousand eight hundred and fifty-eight.

And I further certify, That the Acts contained in this volume are true copies taken from the original rolls deposited in the Department of State, with which they have been carefully compared.

Given under my hand and official seal, the 30th day  
[L. s.] of March, in the year one thousand eight hundred  
and fifty-eight.

T. S. ANDERSON.

Note—the words embraced in brackets were inserted by the Secretary of State in comparing the laws, supposing them to be clerical omissions in enrolling the bills.



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**GENERAL LAWS**

**OF**

**THE EIGHTH LEGISLATURE**

**OF**

**THE STATE OF TEXAS**

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**BY AUTHORITY**

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**AUSTIN**  
**1860**



# GENERAL LAWS.

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## CHAPTER 1:

**An Act Making an Appropriation for the mileage and per diem pay of the Members and Officers of the Eighth Legislature.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of one hundred and ten thousand dollars, be, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the mileage and per diem pay of the members and the per diem pay of the officers of the eighth Legislature of the State of Texas, and the certificate of the Secretary of the Senate and the Chief Clerk of the House of Representatives shall be authority for the Comptroller to draw his warrant on the Treasurer for the several amounts that the members and officers are respectively entitled to.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved Nov. 21st, 1859

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## CHAPTER 2.

**An Act to regulate the Public Printing.**

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the first day of June, one thousand



eight hundred and sixty-one, the Public Printing for the State of Texas shall be let out to the lowest bidder in the manner hereafter directed.

Sec. 2. It shall be the duty of the Secretary of State, Treasurer and Comptroller, or a majority of them, on or before the first day of June, eighteen hundred and sixty-one, and thereafter on the first day of June next preceding every regular session of the Legislature, to advertise that sealed proposals will be received at the office of the Secretary of State, for two months after said advertisement, to print the Laws and Journals of the Legislature, the Biennial Message of the Governor, the Reports of the Secretary of State, Attorney General, Comptroller of Public Accounts, Treasurer of the State, Commissioner of the General Land Office, Commissioner of Claims, Superintendent, Financial Agent and Physician of the State Penitentiary, Trustees and Superintendent of the Lunatic Asylum, and of the Institution for the education of the Blind and the Deaf and Dumb, and such other reports and printing of every kind as may be ordered by the Legislature, or either House thereof, for and during the term of two years.

Sec. 3. The said proposals shall state at what price per page, the party making the proposals will print the number of copies required by law of said Laws and Journals, and of each of said reports; and also provide all the materials therefor, fold, stitch, and trim them; also at what price per page the party will print one hundred copies of all such other reports and documents as may be ordered by the Legislature, or either House thereof, and furnish all the materials therefor, and fold, stitch, and trim them; and at what price per page the party will furnish each additional hundred copies of such reports that may be ordered; and at what price per page the party will furnish one hundred copies of any Bill or Resolution printed on pica type, the lines numbered on the margin with a space between the lines of the size of pica and on foolscap paper, with four pages to a sheet, that may be ordered by the Legislature or either House thereof; and at what price per page the party will furnish each additional hundred copies that may be ordered of any such Bill or Resolution.

Sec. 4. Such proposals shall be accompanied by an offer in writing, of two or more responsible persons, to become the security of the party proposing, for the faithful performance of his duty, in case the contract shall be awarded to him.

Sec. 5. At the expiration of the time for receiving such proposals, it shall be the duty of the Secretary of State, Treasurer and Comptroller, or a majority of them, to open and record

them in a book to be kept for that purpose, and they shall immediately thereafter award the contract to the party whose proposals are the lowest for the entire work, if the security tendered by him is sufficient. But if the security tendered by the lowest bidder is insufficient, or no security is tendered by him, then the contract shall be awarded to the lowest bidder who shall have tendered sufficient security, provided the Secretary of State, Treasurer and Comptroller, or a majority of them, shall consider said bid reasonable for the State.

Sec. 6. The party or parties to whom such contract may be awarded, shall within twenty days after such award, enter into bond with two or more securities, to be approved by the Secretary of State, Treasurer and Comptroller, or a majority of them, in the sum of ten thousand dollars, payable to the State of Texas, conditioned for the faithful performance of the work in accordance with the proposals, and in the time and manner prescribed by law.

Sec. 7. The whole number of the laws and journals shall be delivered at the office of the Secretary of State; the laws within thirty and the journals within sixty days after the last copy shall have been delivered to the contractor, and no extra allowance or payment shall be made to the contractor for any figure work, or rule and figure work, printed under the provisions of this act, unless the same is stipulated for in the proposals to do the printing.

Sec. 8. The laws and journals and all reports and documents shall be printed on small pica type, the page to be forty-four lines long, exclusive of the folio, and twenty-seven ems wide without side notes. The paper shall be of a quality equal to the best upon which the laws of any session of the Legislature have at any time heretofore been printed.

Sec. 9. There shall be printed five thousand copies of the laws of a general nature, and eight hundred copies of all acts for private relief, and all acts incorporating towns, cities, or institutions of learning and private associations, of every nature that may be passed at each session of the Legislature, and five hundred copies of the journals of each House of the Legislature.

Sec. 10. There shall be printed such number of copies as are now, or may hereafter be required by law to be printed, of the reports of all public officers and institutions that are required to report to the Governor, or the Legislature, and all such reports as are furnished to the contractor one month before the meeting of the Legislature shall be by him delivered to the Secretary of State during the first week of the session; all that are furnished

less than one month before the session of the Legislature, or during the session thereof, shall be delivered to the Secretary of State within one month after they are so furnished.

Sec. 11. The Secretary of the Senate and the Chief Clerk of the House of Representatives shall cause the journals of their respective Houses to be furnished to the contractor from day to day after they shall have been approved, for the purpose of being printed, and when printed the manuscript journals shall be returned and filed with the archives of the Legislature.

Sec. 12. The Secretary of State shall cause copies of all laws and joint resolutions to be delivered to the contractor as early as possible after they shall severally have been approved or passed, and when printed he shall compare them with the original and certify that they are true copies of the original in his office. He shall also append a certificate to them, stating what day the Legislature adjourned.

Sec. 13. The Secretary of State shall number all the acts and joint resolutions, and keep a register thereof, and cause them to be printed in the order in which they were approved or passed. He shall also prepare and have printed with them a minute and comprehensive index.

Sec. 14. On the first day of June, one thousand eight hundred and sixty-one, and every two years thereafter, each public officer at the seat of Government shall advertise for sealed proposals to do the job printing of his office, and furnish all the materials therefor for the term of two years—which proposals shall be received for two months, at the end of which time they shall be opened and recorded, and the contract shall be awarded in the same manner as hereinbefore provided for other public printing. The party to whom any such contract may be awarded shall give bond and security in a sum equal to the estimate amount of printing to be done under the contract, conditioned for the faithful performance thereof.

Sec. 15. That immediately after the taking effect of this act, it shall be the duty of the Secretary of State, Treasurer and Comptroller, or a majority of them, to advertise that sealed proposals will be received at the office of the Secretary of State for fifteen days after the commencement of such advertisement, to do the printing of the laws and journals of the present or eighth Legislature, and all of the public printing until the first day of August, one thousand eight hundred and sixty-one, in like manner as is provided in the preceding sections of this act. The proposals made for such work shall be in accordance with the third and fourth sections of this act, and at the expiration

of the time for receiving such proposals the same shall be opened and recorded and the contract for the work awarded as is provided in section fifth of this act, and within five days after such award, the party or parties to whom such contract is awarded shall give bond and security in the amount, and as is provided in section sixth of this act. The matter to be printed shall be furnished to such contractors and shall be by him printed in all respects in strict accordance with the preceding provisions of this act, and shall be in number, quantity and quality, as in this act before provided. The Secretary of State shall compare the laws and joint resolutions printed under such contract with the originals, and certify that they are true copies of the originals in his office. He shall also append to them a certificate stating what day the Legislature adjourned, and shall number all the acts and joint resolutions and keep a register thereof, and cause them to be printed in the order in which they were approved or passed, and he shall also furnish and have printed with them a minute and comprehensive index.

Sec. 16. Upon the receipt by the printing contractor from the Secretary of State of the copy of any law of a general nature intended to be printed under the provisions of this act, it shall be the duty of the contractor immediately to publish such law in one issue of a weekly newspaper to be published by him. The proof of each law so published shall be examined by the Secretary of State, or under his directions, and the newspaper publications of such laws so made, may be used in all courts and places as evidence of such laws until six months after the close of the session of the Legislature at which such laws were enacted. Such newspaper publication of laws shall be made by the contractor under the provisions of his contract, and without charge or expense to the State therefor.

Sec. 17. That no bid shall be accepted by the Secretary of State for the public printing exceeding the rate of one-sixth of a cent per page for the laws, and one-fourth of a cent per page for the journals; one-third of a cent per page for five hundred copies of the Message of the Governor, reports of the Secretary of State, Comptroller of Public Accounts, Auditor, Treasurer of the State, Superintendent of the Penitentiary, and all such like printing, that may be ordered by the Legislature or either House thereof, to be printed on the same size sheet and type as is required for the journals; and one-fourth of a cent per page for each additional five hundred copies of said Message and other documents; for printing two hundred copies of bills, resolutions or memorials, printed on pica type, the lines numbered

on the margin, with a space between the lines of the size of pica, and on foolscap paper with four pages to a sheet, the sum of two dollars and fifty cents per page for the number of pages in one copy thereof; for printing Executive Proclamations, advertisements and such like documents, fifty cents per square of ten lines for the first insertion and twenty-five cents per square for each succeeding insertion that may be ordered; for the printing of proclamations and proposed amendments to the Constitution, the sum of fifty cents per square for each insertion, and such publications shall not be inserted in any type larger than bourgeois, and each square shall contain not less than two hundred ems.

Sec. 18. This act shall be in force from and after its passage, and an act entitled "an act regulating the public printing," approved March eighth, eighteen hundred and forty-eight, and "an act to amend said act," approved December twenty-seventh, eighteen hundred and fifty-one, are hereby repealed.

Approved Nov. 22, 1859.

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### CHAPTER 3.

An Act to amend an act supplemental to an act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad Reserve, approved November 28th, 1857.

Section 1. Be it enacted by the Legislature of the State of Texas, That all settlers within the Mississippi and Pacific Railroad Reserve who were required by the act of November 28th, 1857, to pay for their claims, not exceeding one hundred and sixty (160) acres, by the 1st day of October, A. D. 1859, and who have failed to pay the same, but in other respects complied with the requirements of said law, shall have until the first day of January, A. D. 1861, to make payment of said money for their claims.

Sec. 2. That all laws and parts of laws conflicting with this are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved No. 22nd, 1859.

CHAPTER 4.

An Act appropriating ten thousand dollars, or so much thereof as may be necessary, to enable the Governor to offer rewards for fugitives from justice.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of ten thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated for the purpose of enabling the Governor of the State of Texas to offer rewards for the apprehension of fugitives from justice, to be paid out of any money remaining in the Treasury not otherwise appropriated.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved Nov. 28th, 1859.

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CHAPTER 5.

An Act supplementary to an act appropriating one hundred and ten thousand dollars, or so much thereof as may be necessary, for the mileage and per diem pay of the Members and per diem pay of the Officers of the eighth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That fifteen thousand dollars, or so much thereof as may be necessary, be, and the same is hereby set apart and appropriated out of the money heretofore appropriated by the above entitled act, passed at the present Legislature, to pay the contingent expenses of the present eighth Legislature. Provided, that no money shall be drawn from the Treasury under the provisions of this act, unless the claim shall first have been examined and allowed by the Committee on Contingent Expenses. And that this act shall take effect and be in force from and after its passage.

Approved December 8, 1859.

## CHAPTER 6.

An Act to provide for a special election of a Senator in the eighth Senatorial District, composed of the County of Harrison, to fill the vacancy occasioned by the resignation of the Hon. Louis T. Wigfall.

Section 1. Be it enacted by the Legislature of the State of Texas, That a special election shall be held for a Senator in the eight Senatorial District, composed of the County of Harrison, after eight days notice shall have been given of the time of holding such election, to fill the vacancy occasioned by the resignation of the Hon. Louis T. Wigfall.

Sec. 2. That the presiding officers of the several election precincts in said district shall make the returns of said election to the Chief Justice of said county within three days after such election, and said Chief Justice shall within five days after said election open and count the returns, and give a certificate of election to the person who shall have received the highest vote.

Sec. 3. That the Governor is hereby required to immediately order an election in accordance with the provisions of this act, and this act shall take effect and be in force from and after its passage.

Approved December 10, 1859.

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CHAPTER 7.

An Act to provide for patenting headright certificates not presented to the Court of Claims for approval within the time prescribed by law, and for issuing duplicate headrights and unlocated balance certificates.

Section 1. Be it enacted by the Legislature of the State of Texas, That all genuine headright certificates or genuine Toby or Bryan scrip, and all genuine certificates of any District or Supreme Court of this State, establishing headrights that have been legally issued and properly reported to the proper officers, that have not been presented to the Court of Claims within the time prescribed by law, shall be recognized and patented the same as though they had been presented and approved by the

Commissioner of Claims. He may also patent in the same manner all certificates or warrants issued by the Commission of Claims or Comptroller acting Commissioner of Claims, but should any fraudulent certificate for land by accident, inadvertence or design, be perfected into patent under this act, said patent shall be void and no title shall vest.

Sec. 2. That from and after the passage of this act, it shall be the duty of the Commissioner of the General Land Office to issue all duplicate headright land certificates authorized by law, previous to the 26th of August, 1856; and also to issue all certificates of unlocated balance, when from the records of his office the same may be due upon any genuine and valid certificates on file therein.

Sec. 3. The Comptroller is required to turn over to the Commissioner of the General Land Office all papers or archives that may be necessary to enable him to carry out the provisions of this act, that were heretofore in possession of the Commissioner of Claims; and that this act take effect and be in force from its passage.

Approved December 15th, 1859.

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#### CHAPTER 8.

An Act to provide payment for printing the proclamation of the Governor.

Section 1. Be it enacted by the Legislature of the State of Texas, That two thousand dollars or so much thereof as may be necessary, be, and the same is hereby appropriated to pay for printing the proclamation of the Governor ordering the vote in August last, on the proposed amendment to the Constitution; and also for the publication of all other proclamations of the Governor, hitherto made and unpaid for, and the same shall be paid on the certificate of the Secretary of State and Comptroller.

Sec. 2. That this act take effect from its passage.

Approved December 16, 1859.



## CHAPTER 9.

## An Act regulating Public Sales in the County of Bastrop.

Whereas, the court house in the town and County of Bastrop, is so remote from the business part of said town that advertisements posted and sales made at the court house are not as well noticed or attended as is consistent with public or private interests, therefore:

Section 1. Be it enacted by the Legislature of the State of Texas, that from and after the passage of this act, the Sheriffs, Constables, Trustees, persons selling estray property, and all other persons authorized and required by law to advertise and sell property at the court house in said county, shall be required to advertise and sell the same at the store house known as the house now occupied by J. M. Finney & Co., on the east side of Main street, and at the corner of Main and Cherry streets in the town of Bastrop, and that sales made at and in front of said house shall be as binding as if made at the court house; and that a copy of the advertisement of all public sales made in the county shall be posted at the place of sale, and also at the court house door, the time required by the laws heretofore in force; and that all laws and parts of laws contrary to this act regulating public sales, or so much thereof as relates to public sales in Bastrop County, be, and the same are hereby repealed.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved Dec. 16, 1859.

## CHAPTER 10.

## An Act to change the time of holding the District Courts in the sixth Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas, That the District Courts of the sixth Judicial District shall hereafter be held as follows; viz:

In the county of Rusk, on the second Mondays of February and August, and may continue in session five weeks.

In the county of Harrison, on the fifth Mondays after the

second Mondays in February and August, and may continue in session six weeks.

In the county of Upshur, on the eleventh Mondays after the second Mondays in February and August, and may continue in session three weeks.

In the county of Wood, on the fourteenth Mondays after the second Mondays in February and August, and may continue in session two weeks.

In the county of Panola, on the sixteenth Mondays after the second Mondays in February and August, and may continue in session until the business is disposed of.

Sec. 2. That all writs, bonds, recognizances, and process of all kinds already issued, taken, or made returnable to the times heretofore appointed for the terms of the said courts, shall be considered and taken as made for the terms herein provided for said courts.

Sec. 3. That this take effect and be in force from and after its passage, and that all laws conflicting with this act, be, and the same are hereby repealed.

Approved 30 December, 1859.

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## CHAPTER 11.

### An Act for the Protection of the Frontier.

Whereas, a state of hostilities exists between the people of the State of Texas and various Indian tribes who inhabit the unsettled portions of the State and adjacent territory—bands of said Indians having at various times within the last three years invaded our settlements, murdered our people, and carried off or destroyed their property, so that the frontier settlements are receding before the invaders, and our frontier counties in danger of depopulation:

And whereas, the Federal Government, whose duty it is primarily to protect the State from such hostilities, has not efficiently afforded such protection:

And whereas, we are continually in such imminent danger of being invaded by said hostile Indian tribes, as will not admit of delay: Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor of the State be, and he is hereby authorized to raise and muster into the service of the State, a regiment of mounted men, if so many be necessary, consisting of ten companies, or such smaller number as he shall deem sufficient to afford efficient protection to the entire frontier; and one-half of said force, at least, shall be immediately, upon their organization, placed on the frontier, in such manner as to act as spies and minute men, for the protection and defense of the settlements, as the Governor may think proper. Each company shall be composed of eighty-three men, rank and file, to be enlisted for the term of twelve months, unless sooner discharged; to be re-enlisted for another term of twelve months, or others taken in their place, at the expiration of the first term of service. The officers of each company to be elected by the men composing the same.

Sec. 2. For the command of the whole of said force the members shall elect a Colonel, a Lieut. Colonel and a Major; and each company shall have one Captain, three Lieutenants, four Sergeants and four Corporals, and one Surgeon; and there shall be selected from each company one of the Lieutenants, to act as Quartermaster and Commissary for said company, with the rank of Second Lieutenant; and when two or more companies are acting together, said Lieutenants shall be acting as the commanding officers may direct, as Quartermasters, or Commissaries, or Adjutants; and there shall also be appointed from among the men, such non-commissioned staff as may be necessary.

Sec. 3. Said officers and men shall provide themselves with arms, horses, and all accoutrements and camp equipage; and shall be furnished at the expense of the State in provisions, ammunitions, medicines and forage for horses when practicable; and shall receive for their services the following sums: The Colonel, one hundred and eighty dollars per month; the Lieutenant Colonel, one hundred and fifty dollars per month; the Major, one hundred and twenty-five dollars per month; the Captains, one hundred dollars per month; the First Lieutenants, seventy-five dollars per month; the Second Lieutenants, sixty dollars per month; Sergeants, four dollars per month in addition to pay of privates; and Corporals, three dollars per month in addition to pay of privates; and privates shall receive twenty-five dollars per month; and commissioned staff officers shall be allowed twenty dollars per month extra to the pay of their rank, and non-commissioned staff officers eight dollars per month in addition to the pay of privates; the Surgeon shall be entitled to one hun-

dred and twenty dollars per month, and shall furnish his instruments, but be furnished with medicines.

Sec. 4. The said force shall be employed in ranging and scouting on the frontier, from the most eligible point on the Rio Grande to Red River; and their operations shall be entirely under the control of the Governor, who shall appoint their proper places of rendezvous, and deposit, and direct all arrangements necessary to carry out the intention of this act; and said force shall be subject to the rules and regulations of the army of the United States; and when in the opinion of the Governor, their further services are not necessary, may be reduced or disbanded, or if provisions shall be made by the Government of the United States to accept the said force, in whole or in part, for the protection of the frontier of Texas, it shall be turned over for that purpose.

Sec. 5. That this force shall be raised in such manner as the Governor may direct, from any portion of the State; and, when mustered into service, shall take such position on the frontier as they shall be ordered by the Governor, and shall operate during the time they are in the service of the State under the orders of the Governor.

Sec. 6. That this act take effect from its passage.

Approved January 2d, 1860.

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## CHAPTER 12.

An Act to amend the 4th section of "An Act allowing discounts and set off," passed 5th February, 1850.

Section 1. Be it enacted by the Legislature of the State of Texas, That section 4th of the Act of February 5th, 1840, entitled "An Act allowing discounts and set off," is hereby amended so as to read as follows:

Whereas, any plaintiff may institute his suit for, and establish a demand in any Court having jurisdiction of the same, and his claims be reduced by set off to an amount not within the jurisdiction of the Court, judgement still shall be given for the amount due the plaintiff, and for costs of suit; should the set off of the defendant exceed the amount established by the plain-

tiff, then judgement shall be given in favor of the defendant for the amount that his claim may exceed that of the plaintiff, and in case the defendant acquired such set off before the commencement of the suit, he shall recover the costs of suit, otherwise the plaintiff shall have judgement for costs of suit; but should the claim of the plaintiff be reduced to a sum not within the jurisdiction of the Court by payment, then judgement shall be given in favor of the plaintiff, for the balance due; but the defendant shall recover the costs of the suit; and when the defendant may have a claim against the plaintiff, similar in its nature (but they need not be of the same degree) to that of the plaintiff, he shall be permitted to file in his answer a plea of reconvention, setting forth the amount due him, and judgement shall be given in favor of that party who may establish the largest claim, for the excess of his claim over that of his opponent, and for costs.

Approved January 2d, 1860.

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### CHAPTER 13.

#### An Act to create the twentieth Judicial District of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That a new Judicial District, to be styled the Twentieth Judicial District of the State of Texas, is hereby formed, and that said district shall be composed of the counties of Collin, Denton, Wise, Jack, Young, Throckmorton, Archer, Clay, Montague, Cooke and Grayson.

Sec. 2. The District Courts shall be held in the twentieth Judicial District, twice in each year as follows: In the county of Collin commencing on the second Monday in March, and September, and may continue in session three weeks: In the county of Denton, on the third Monday after the second Monday in March and September, and may continue in session two weeks: In the county of Wise, on the fifth Monday after the second Monday in March and September, and may continue in session one week: In the county of Jack, on the sixth Monday after the second Monday in March and September, and may continue in session one week: In the county of Young, on the sev-

enth Monday after the second Monday in March and September, and may continue in session one week: In the county of Throckmorton, on the eighth Monday after the second Monday in March and September, and may continue in session one week: In the county of Archer, on the ninth Monday after the second Monday in March and September, and may continue in session one week: In the county of Clay, on the tenth Monday after the second Monday in March and September, and may continue in session one week: In the county of Montague, on the eleventh Monday after the second Monday in March and September, and may continue in session one week: In the county of Cooke, on the twelfth Monday after the second Monday in March and September, and may continue in session two weeks: In the county of Grayson, on the fourteenth Monday after the second Monday in March and September, and may continue in session until the business of the Term is disposed of.

Sec. 3. That the county of Wichita be, and the same is hereby attached to the county of Clay, for Judicial purposes.

Sec. 4. That all writs and other process of every kind, that may be issued from the District Courts of the counties named in this Act, after the commencement of the next Terms of the Courts of the several counties respectively, shall be returnable to the Terms of said Courts, as established by this act, and all writs and process that may be issued before the commencement of the next Term of said District Court in any of said counties, shall be returnable to the Terms of said Courts, as now established, and all cases of appeals or writs of error from the decisions of the District Courts of this District, shall be returnable to the branch of the Supreme Court of the City of Austin.

Sec. 5. That the Governor be, and he is hereby required to order an election to be held in said District, on the first Monday in May, next, for the election of a District Judge and District Attorney, and that said election be conducted, in all respects, according to the general law regulating the election of such officers.

Sec. 6. That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed—nevertheless, the Judge of the sixteenth Judicial District shall be required to hold the spring and summer terms of the Courts for the year 1860, in all the counties which composed said sixteenth Judicial District previous to the passage of this act, the same as if this act had not passed.

Approved January 2d, 1860.

## CHAPTER 14.

An Act to repeal "An Act creating a system of Bankruptcy and regulating the collection of foreign debts."

Section 1. Be it enacted by the Legislature of the State of Texas, That "An Act creating a system of Bankruptcy, and regulating the collection of foreign debts," approved January 19th, 1841, be, and the same is hereby repealed.

Approved January 2d, 1860.

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## CHAPTER 15.

An Act to make an appropriation for furnishing the Governor's Mansion.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of fifteen hundred dollars, or as much thereof as may be necessary, be and the same is hereby appropriated, out of any money not otherwise appropriated, to be extended under the direction of the joint committee on Public Grounds and Public Buildings, for furnishing the Governor's Mansion.—That the joint committee report to the two Houses, the amount so expended, and that this act take effect, and be in force, from and after its passage.

Approved January 2d, 1860.

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## CHAPTER 16.

An Act making an appropriation to pay the Attorney General and District Attorneys, the costs due them under article 952d, of the Code of Criminal Procedure.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of two thousand dollars (\$2,000) be, and the same is here appropriated out of any money in the Treas-

ury not otherwise appropriated, for the payment of the costs due by the State to the Attorney General and the District Attorneys in cases of conviction for felony as provided for under article 952d, of the Code of Criminal Procedure.

Sec. 2. That this act take effect from and after its passage.

Approved January 4th, 1860.

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## CHAPTER 17.

An Act to fix the times for holding the District Courts in the Seventh Judicial District.

Section 1st. Be it enacted by the Legislature of the State of Texas, That the District Courts in the seventh Judicial District shall hereafter begin and be held as follows: In Grimes county, on the third Mondays of March and October, and may continue for two weeks: In Walker county, on the second Mondays after the third Mondays of March and October, and may continue for two weeks: In Montgomery county, on the fourth Mondays after the third Mondays of March and October, and may continue for two weeks: In Harris county, on the sixth Mondays after the third Mondays of March and October, and may continue for four weeks: In Galveston county, on the tenth Mondays after the third Mondays of March and October, and may continue until the business is completed.

Sec. 2d. All writs and process issued, or that may be issued prior to the taking effect of this act, shall be held and considered as returnable to the terms as fixed by this Act.

Sec. 3d. This Act shall take effect on the first day of March, A. D., 1860; and all laws in conflict herewith are hereby repealed.

Approved January 7, 1860.

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## CHAPTER 18.

An Act confirming certain Patents, and to validate certain surveys in the Mississippi and Pacific Rail Road reservation.



Section 1. Be it enacted by the Legislature of the State of Texas, That all patents heretofore issued upon surveys made by virtue of any genuine Colony certificate, within the limits of the Mississippi and Pacific Rail Road Reservation, be and the same are hereby declared to be as valid and legal, as if no such reservation had ever been made; and all surveys made by virtue of genuine Colony certificates, within said reservation, during its pendency, shall be as valid as they would have been had no such reservation ever existed: Provided that in all cases where a conflict in locations is ascertained to exist, either party may withdraw their certificates within six months.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved January 10th, 1860.

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#### CHAPTER 19.

An Act to provide for the pay and subsistence of the troops called out by the Governor of the State, under the command of John S. Ford, James Bourland, and John Henry Brown, also for the pay of the commissioners sent by the Governor to the Indians.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of sixty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any monies in the Treasury, not otherwise appropriated, for the payment and subsistence of the men called out by the Governor of the State, for the protection of the frontier, under the command of John S. Ford, James Bourland, and John Henry Brown, likewise for the pay of the peace commissioners sent out by the Governor in 1859, at the rate of five dollars per day, each, together with all necessary expenses by them incurred.

Sec. 2. That the Comptroller be authorized and required to settle all well authenticated accounts for supplies furnished said companies, by their captains or any persons by them employed to furnish supplies to their respective commands: Provided, The Comptroller shall have full authority, and is hereby required, under this act, to examine the accounts for subsistence and forage, and allow only such as are fully authenticated by proper vouchers, and to reduce extravagant charges to a reasonable amount.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved 12th January, 1860.

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CHAPTER 20.

**An Act appropriating ten thousand dollars, or so much thereof as may be necessary to pay the expenses incurred by Capt. Tobin's Company.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of ten thousand dollars, or so much thereof as may be necessary, of any unappropriated funds now in the State Treasury, be and the same is hereby appropriated to pay the expenses incurred by Capt. Tobin's command, called into service by order of the Governor; and the Comptroller shall have full authority, and is hereby required, under this act, to examine the accounts and claims for said expenses, and allow only such as are fully authorized and authenticated by proper vouchers, and to reduce extravagant charges to a reasonable amount, and only allow for the necessary expenses incurred,—at reasonable prices, whether they were incurred under express contract or otherwise; and provided that no claim shall be allowed for fire arms furnished said company.

Sec. 2. That this act take effect from and after its passage.

Approved January 12th, 1860.

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CHAPTER 21.

**An Act making a further appropriation for furnishing the Governor's Mansion.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the further sum of one thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the Treasury of the State, not otherwise appropriated, for completing the furnishing of the Governor's Mansion; That the same be expended under the superintendence of the joint committee on Public Grounds and Public Buildings; and that this act take effect, from and after its passage.

Approved January 12th, 1860.

## CHAPTER 22.

An Act supplementary to, and amendatory of an act entitled "An Act to provide relief for Pre-emption settlers and their assignees, under the act of the 22d January, 1845, the act of the 7th February, 1853, and the act of the 13th February, 1854, and actual settlers in the Mississippi and Pacific Rail Road Reservation.

Section 1. Be it enacted by the Legislature of the State of Texas, That all persons or their assignees who are entitled to pre-emptions under any of the above entitled acts, have until the first of January, 1861, to return their field notes to the General Land Office, and pay the dues thereon.

Sec. 2. That the Commissioner of the General Land Office is hereby required to issue patents to all assignees who are entitled to pre-emptions under the act of February 13th, 1854, entitled an act donating 160 acres of land to settlers on the public domain, provided said assignees shall return to the General Land Office their pre-emption certificates proving that he or she, and those under whom they claim, have resided on said pre-emption for three years continuously, from the date of taking said pre-emption, and have otherwise complied with the act granting said donation.

Sec. 3. Be it further enacted, that all laws and parts of laws conflicting with this act, be and the same are hereby repealed, and that this act be in force from and after its passage.

Vetoed and passed by a constitutional majority, Jan. 16, 1860.

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CHAPTER 23.

An Act to authorize the Commissioner of the General Land Office to issue Patents upon surveys heretofore made, not in the form required by law.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby authorized to issue patents upon surveys heretofore made and returned to the General Land Office, although not in a square, the same as if said survey had been in the form required by law; Provided, that surveys in irregular shapes and evidently made to the detriment of the public domain, which are

not surrounded in such a manner as to prevent the same from being made in a square, shall not be patented without correction; and be it further provided, that nothing in this act shall be so construed as to allow surveys hereafter to be made in any other form than that which the law now requires.

Sec. 2. That nothing in this act shall be so construed as to legalize any surveys, the corners of which are not at right angles, if the surrounding surveys will permit.

Approved January 17th, 1860.

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#### CHAPTER 24.

An Act to amend the 4th section of the act of May 12th, 1846, entitled an act to regulate the license and practice of attorneys and counsellors at law, and to amend the second section of the act of February 11, 1854, entitled "an act to amend the 9th and 10th sections of an act to regulate the license and practice of attorneys and counsellors at law."

Section 1. Be it enacted by the Legislature of the State of Texas, That the 4th section of the act of May 12th, 1846, entitled an act to regulate the license and practice of attorneys and counsellors at law, is hereby amended so that the same shall hereafter read as follows, to-wit: Every person admitted to practice law, shall, before receiving license, take an oath that he will support the Constitution of the United States and of this State, that he will honestly demean himself in the practice of law, and will discharge his duty to his clients, to the best of his ability, which oath shall be endorsed upon his license, subscribed by him, and attested by the officer administering the same.

Sec. 2. That the 2nd section of the act of February 11th, 1854, entitled, "an act to amend the 9th and 10th sections of an act to regulate the license and practice of attorneys and counsellors at law," is hereby amended so that the same shall hereafter read as follows, to-wit: Each attorney and counsellor at law, shall be subject to fine or imprisonment by any court in which he may practice for mis-behavior, or contempt offered to such court; but no court shall strike an attorney and counsellor at law, from the rolls, for contempt, unless it involve fraudulent or dishonorable conduct, or mal-practice, in which case, proceedings may be had as directed in the preceding section; and any

attorney or counsellor at law, who may be charged with fraudulent or dishonorable conduct, or mal-practice in the District Court, shall have the right to a trial by jury, should he demand it, and may plead not guilty, as in prosecutions for misdemeanors, whereupon a jury shall be empaneled to try the cause, and if the jury find the accused guilty, the Court shall enter judgment in accordance with the law in such cases, made and provided.

Sec. 3. That this act shall be in force, from and after its passage.

Approved January 18, 1860.

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## CHAPTER 25.

An Act to amend an act amendatory of and supplementary to an act to encourage the improvement of the navigation of the rivers and other navigable waters of Texas, by making appropriations for the same, approved 23d August, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following section be added to said act, as an additional section.

Sec. 7. Whenever the State Engineer and Superintendent, after the letting of any contract for the improvement of any river, and during the progress of the work, shall become satisfied that the work done, and to be done under the contract, will not effect a permanent, continuous and valuable improvement, said Engineer and Superintendent shall have power to set aside such contract, by agreement with the contractors, and to settle with them for the full amount of work actually done, and he shall proceed to apply the subscriptions and State appropriations remaining, to such portions of such rivers as can be permanently improved.

The provisions of this act shall only apply to contracts made upon the rivers west of the Trinity river, and if the contract for cleaning out the Brazos river be cancelled or modified under this act, the unpaid subscriptions made by the citizens of Washington county, shall be discharged, and no further payments demanded of them, by virtue thereof.

Sec. 2. This act shall take effect, from and after its passage.

Approved January 27, 1860.

CHAPTER 26.

An Act to amend the second section of an act entitled "an act to create the twentieth Judicial District of the State of Texas, approved January 2d, 1860.

Section 1. Be it enacted by the Legislature of the State of Texas, That the 2d section of the above entitled act, shall read as follows:

Sec. 2. That the District courts shall be held in the 20th Judicial District, in each year, as follows: In the county of Collin, on the first Mondays in February and August, and may continue in session two weeks. In the county of Denton, on the second Mondays after the first Mondays in February and August, and may continue in session two weeks. In the county of Montague, on the fourth Mondays after the first Mondays in February and August, and may continue in session one week. In the county of Cooke, on the fifth Mondays after the first Mondays in February and August, and may continue in session two weeks. In the county of Grayson, on the seventh Mondays after the first Mondays in February and August, and may continue in session two weeks. In the county of Clay, on the tenth Mondays after the first Mondays in February and August, and may continue in session one week. In the county of Archer, on the eleventh Mondays after the first Mondays in February and August, and may continue in session one week. In the county of Throckmorton, on the twelfth Mondays after the first Mondays in February and August, and may continue in session one week. In the county of Young, on the thirteenth Mondays after the first Mondays in February and August, and may continue in session one week. In the county of Jack, on the fourteenth Mondays after the first Mondays in February and August, and may continue in session one week. In the county of Wise, on the fifteenth Mondays after the first Mondays in February and August, and may continue in session until business is disposed of.

Sec. 2. That so much of the above recited section, as conflicts with the provisions of this act be, and the same are hereby repealed.

Approved January 21, 1860.

## CHAPTER 27.

An Act supplementary to an act entitled an act to ascertain what land certificates have been illegally issued by the county courts of counties in Peters' colony, and to provide for issuing patents on such of said certificates as are legal.

Section 1. Be it enacted by the Legislature of the State of Texas, That the holders of such certificates as are mentioned in the act to which this is supplementary, who did not present the same to the Board of Commissioners provided by said act, and the owners of such certificates as were presented and rejected by said Board, shall have twelve months from the passage of this act, in which to present their claims to the District Courts, as provided for in the twelfth section of the act to which this is supplementary: provided a statement, under oath, is made with such application, showing good cause why the same was not presented to the Board of Commissioners, or to the District Court, as is provided in said act: and provided that in case the witnesses by whom such applicant expects to prove the validity of any such certificate, is not a resident of Peters colony, the proof may be made by deposition, before the chief justice in the county in which the witness resides, and said officer administering the oath, shall certify that from his own knowledge, or from satisfactory proof produced before him, the witnesses who swear, are respectable persons, and entitled to credit, as in other cases, in the District Courts; such depositions to be taken after notice served on the District Attorney of the District in which the cause is pending, and in the manner provided for taking of depositions in other cases.

Approved January 24, 1860.

## CHAPTER 28.

An Act to regulate and define the times of holding the District Court in the several counties of the eighth Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas, That the District Court of the eighth judicial district in the State of Texas, be held in the several counties, at, and for the period of time, hereafter specified, viz:

In the county of Titus, on the first Mondays in February and August, and may continue in session two weeks. In the county of Hopkins, on the second Mondays after the first Mondays in February and August, and may continue in session two weeks. In the county of Hunt on the fourth Mondays after the first Mondays in February and August, and may continue in session one week. In the county of Fannin on the fifth Mondays after the first Mondays in February and August, and may continue in session two weeks. In the county of Lamar, on the seventh Mondays after the first Mondays in February and August, and may continue in session two weeks. In the county of Red River, on the ninth Mondays after the first Mondays in February and August, and may continue in session three weeks. In the county of Bowie, on the thirteenth Mondays after the first Mondays in February and August, and may continue in session two weeks. In the county of Cass, on the fifteenth Mondays after the first Mondays in February and August, and may continue in session until the business is disposed of.

Sec. 2. That all writs and process, that have been, or may hereafter be issued from any of the District Courts of the counties mentioned in the 1st section of this act, and made returnable to any of the terms of the said courts, under the laws now in force, and all bonds and recognizances that have been, or may hereafter be made so returnable, shall be returned to the terms specified in this act, and shall have the same force and effect, as if the same had been made so originally returnable.

Sec. 3. That an act to reorganize the eighth Judicial District, and define the times of holding Courts therein, approved on the 16th day of February, 1858, be, and the same is hereby repealed, and that this act take effect and be in force from and after the 1st day of August, A. D. 1860.

Approved January 25, 1860.

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## CHAPTER 29.

An Act to repeal the 17th section of an act entitled "an act to regulate railroad companies, approved February 7th, 1853.

Section 1. Be it enacted by the Legislature of the State of Texas, That the seventeenth section of "an act, entitled an act



to regulate railroad companies, be, and the same is hereby repealed.

Approved January 26, 1860.

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#### CHAPTER 30.

An Act further regulating proceedings in the Supreme Court.

Section 1. Be it enacted by the Legislature of the State of Texas, That the causes determined in the District Court of the counties composing the third Judicial District, when taken to the Supreme Court of the State, by appeal or otherwise, shall be returnable to the branch of said Court at Galveston, and the causes from the courts of said third Judicial District, pending in the Supreme Court at Austin, and undecided at the close of the term of said Court, which commenced on the third Monday of October, A. D. 1859, shall be transferred, for decision, to Galveston: provided that the cases so transferred, shall not take precedence of those now on the docket of the Court at Galveston.

Sec. 2. The sixth section of the act of February 11, 1850, entitled "an act concerning the proceedings in the Supreme Court," is hereby repealed, and this act shall take effect and be in force, from and after its passage.

Passed January 28, 1860.

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#### CHAPTER 31.

An Act to establish the time of holding the courts in the 12th Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the passage of this act, the Courts in the twelfth Judicial District shall commence—

In the county of Cameron, on the fourth Monday in April, and the second Monday in November, and may continue in session four weeks. In the county of Hidalgo, on the fourth Monday after the fourth Monday in April, and the fourth Monday after the second Monday in November, and may continue in session

one week: In the county of Starr, on the fifth Monday after the fourth Monday in April, and the fifth Monday after the second Monday in November, and may continue in session two weeks.—In the county of Zapata, on the seventh Monday after the fourth Monday in April, and the seventh Monday after the second Monday in November, and may continue in session one week.—In the county of Webb, on the eighth Monday after the fourth Monday in April, and the eighth Monday after the second Monday in November, and may continue in session one week.

Sec. 2. All writs and process that have been, or may hereafter be issued from any of the District Courts of the twelfth Judicial District, shall be considered as returnable, and shall be returned to the terms as established by this act, and shall have the same force and effect as if they had originally been issued so returnable.

Sec. 3. All laws and parts of laws, conflicting with the provisions of this act, are hereby repealed: and this act shall take effect and be in force from and after its passage.

Approved January 29, 1860.

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## CHAPTER 32.

An Act to authorize the use of the United States Bonds, set apart to the University of Texas, to meet appropriations made for frontier defence.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of one hundred thousand dollars in United States bonds with the interest which has heretofore accrued, or which may hereafter accrue upon the same, set apart and appropriated for the establishment and maintainance of the University of Texas, by "an act to establish the University of Texas," approved February 11, 1858, may be used at any time during the next two years, to meet any appropriations made by law, for frontier defence; provided the current revenue be insufficient to meet such appropriations, as they are required to be disbursed, and provided further that in case it should be necessary to use said bonds and interest, or any part of the same, the amount so used, shall be replaced to meet the appropriation made by said act of 11th February, 1858, to establish said University, so soon as the amount, so used, or any part of the same may come into

the Treasury, from current revenue or from any other source, **not** appropriated or set apart for any other use. The amount so used, to be paid back to the University fund, without interest.

Sec. 2. That the said United States bonds may be disposed of, if required to comply with the provisions of this act, in the manner other United States bonds are or may be disposed of by any law now existing or which may be hereafter passed.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved January 31, 1860.

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### CHAPTER 33.

An Act making an appropriation to pay assessors and collectors, for taking the scholastic census for the year 1859.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of six thousand dollars be, and the same is hereby appropriated, or so much thereof as may be necessary, to pay the assessors and collectors of the State of Texas, for taking the scholastic census for the year 1859.

Sec. 2. That this act take effect and be in force, from and after its passage.

Approved January 31, 1860.

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### CHAPTER 34.

An Act to amend the second, fifth, eighth and ninth section of an act to authorize the sale of the public domain.

Section 1. Be it enacted by the Legislature of the State of Texas, That the second fifth, eighth and ninth sections of the above entitled act be so amended as to read as follows:

Section second of said act shall hereafter read as follows:

Sec. 2. The alternate sections of land surveyed and reserved to the State, under the provisions of the laws to encourage the construction of Railroads, by donations of land, and the act granting land to the Galveston Brazos Navigation company, and

the islands heretofore reserved, and all other reserved sections may be sold at one dollar and twenty-five cents per acre, provided that fractions of less than one hundred and sixty acres within the Memphis, El Paso & Pacific Railroad reserve, and that have not been surveyed by the company, shall be subject to settlement and sale, or either, at fifty cents per acre, as hereinafter provided for by this act.

Section fifth of said act, shall hereafter read as follows:

Sec. 5. When there may be any vacant and unappropriated public domain (not being set apart, held in reservation, or the location of which is prohibited by law) of less quantity than one hundred and sixty acres of land, which is completely surrounded by previous surveys, any one desiring to purchase the same, may apply to the surveyor of the county or district in which the land lies, and cause the same to be surveyed, and the field notes of such survey shall be recorded in the office of said surveyor, and returned to the General Land Office, and the person upon whose application the land was surveyed, shall, for six months after the making of such survey have a preference to purchase said land, and the sale of the same shall be made in the same manner as is provided for in the fourth section of this act, for the sale of other surveyed lands and for fifty cents per acre, and patented in the same manner; provided, however, that if the person upon whose application the said land is surveyed, and to whom said preference is given, his heirs or assigns, shall fail within the said six months from the time of the survey of said land, to file in the office of the District or county surveyor, who surveyed the same, a certificate from the Commissioner of the General Land Office, stating that he or they had purchased and paid for the same, then the said land shall revert to and become part of the public domain, and be subject to location as other lands.

Section eighth of said act shall hereafter read as follows:

Sec. 8. All heads of families, who are settled upon, or who may hereafter settle upon any vacant public domain, except those lands, the sale of which is provided for in the second section of this act, shall have the privilege of purchasing one hundred and sixty acres of land, or less, where it is entirely surrounded by previous surveys, to include his or her improvement, in preference to all others, at fifty cents per acre.

Section ninth of said act shall hereafter read as follows:

Sec. 9. Any one desiring to obtain the benefits of the preceding section of this act, shall within six months after the passage of this act, or within three months after his or her settlement, file, with the district surveyor, his or her affidavit and that

of two creditable witnesses, made before any officer authorized to administer oaths, in the land district in which the land is situated, that he or she is bona fide settled and making improvements upon vacant public domain, the sale of which is contemplated in the first section of this act; and that he or she has not previously taken or filed a pre-emption under this act, on vacant land, and shall at the same time file, with said surveyor, a designation of the land sought to be secured, and said settler shall, within twelve months, have said land surveyed and his or her field notes recorded and returned to the General Land Office, and shall be required to pay taxes on the same, from the date of his or her settlement, and the money paid within three years from the date of his or her file, or the preference herein provided shall cease, and said land become vacant and subject to location or purchase; and that no claim under this act, shall be transferable or assignable, until the rights to the land shall be perfected.

Sec. 2. And that this act take effect and be in force from and after its passage.

Approved February 1, 1860.

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## CHAPTER 35.

An Act authorizing the heirs, representatives or relations of deceased persons to sue for and recover damages where the death of such person or persons has been caused or occasioned by the negligence, culpable or wrongful act of another.

Section 1. Be it enacted by the Legislature of the State of Texas, If the life of any person is lost by reason of the negligence or carelessness of the proprietor or proprietors, owner, charterer or hirer of any railroad, steamboat, stage-coach, or other vehicle for the conveyance of goods or passengers, or by the unfitness, gross negligence or carelessness of their servants or agents, and whenever the death of any person may be caused by wrongful act, neglect, unskilfulness or default, and the act, neglect, unskilfulness or default is such as would (if death had not ensued) have entitled the party, injured, to maintain an action for such injury, then and in every such case the person who would have been liable if death had not ensued, shall be liable to an action for damages, notwithstanding the death of the per-

son injured, and although the death shall have been caused under such circumstances as amount, in law, to a felony.

Sec. 2. Every such action shall be for the sole and exclusive benefit of the surviving husband, wife, child or children and parents of the person whose death shall have been so caused, and may be brought by such entitled parties, or any one of them and if said parties fail for three calendar months, to institute suit, then it shall be the duty of the executor or administrator of the deceased, unless specially requested by all of said parties entitled, not to prosecute the same. And in every such action the jury may give such damages as they may think proportioned to the injury resulting from such death, and the amount so recovered, shall be divided amongst the person or persons entitled, under this act, or such of them as shall then be alive, in such shares as the jury shall find and direct, and shall not be liable for the debts of the deceased.

Sec. 3. The action shall be brought within one year after the death of such deceased.

Sec. 4. The action shall not abate by the death of either party to the record. If the plaintiff die, pending the suit, where there is only one plaintiff, some one or more of the parties entitled to the money recovered, may be substituted, and the suit prosecuted to judgment in the name of such party or parties, for the benefit of the persons entitled. If the defendant die, pending the suit, his executor or administrator may be made a party and the suit prosecuted to judgment as though said defendant had continued alive; but the judgment in such case if rendered in favor of plaintiff, shall be, to be paid in due course of administration.

Approved February 2, 1860.

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## CHAPTER 36.

An Act, supplementary to an act entitled "an act to provide for distributing the reports of the Supreme court, the laws of the State and the journals of the Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be the duty of the Secretary of State to furnish the libraries of the supreme court, at each branch of said Court, with such number of copies of the reports of the supreme

court of the State, of the public and private laws of the State, of all digests or revisions of the laws of the State, published or subscribed for, by the State, and of digests of the decisions of the supreme court of the State, subscribed for by the State, as will supply each of the judges of said court with one complete set of all of said books, for use by them, during the terms of said Court, and one set for each of said libraries, to remain therein, for general use.

Sec. 2. That this act take effect and be in force, from and after its passage.

Approved February 2, 1860.

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#### CHAPTER 37.

An Act to authorize and require the county courts of the several counties of the State of Texas, to furnish the county surveyors of their respective counties, with books of record.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county courts of the several counties of this State, be and they are hereby authorized and required to furnish the county surveyors of their respective counties, with the necessary books of record pertaining thereto.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved February 2, 1860.

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#### CHAPTER 38.

An Act to define the Homestead in a town or city.

Section 1. Be it enacted by the Legislature of the State of Texas, That the homestead in a town or city, exempt from forced sale, is hereby declared to be the lot or lots occupied or destined as a family residence, not to exceed in value two thousand dollars, at the time of their destination as a homestead; nor shall the subsequent increase in value of the homestead, by reason

of improvements or otherwise, subject the homestead to forced sale.  
Approved February 2, 1860.

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CHAPTER 39.

An Act making an appropriation to defray the expenses of selling  
University lands.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of seventeen hundred and sixteen and forty-five hundredth dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of the proceed of the sales of the University lands, now in the Treasury, to pay the Commissioner appointed by the Governor, for selling the University lands, and for advertising the sale of said lands.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved February 2, 1860.

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CHAPTER 40.

An Act to create the Board of Commissioners of Public Grounds  
and Buildings.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Secretary of State, the Comptroller, Treasurer and the Commissioner of the General Land Office, and their successors in office, be, and they are hereby constituted a Board of Commissioners of Public Grounds and Buildings; That the Secretary of State shall be chairman of said Board, a majority thereof shall be a quorum, and shall decide all questions which may arise in their meetings, and they shall keep a record of all their proceedings.

Sec. 2. It shall be the duty of said Board to supervise all the buildings and improvement upon the capitol square, the Land Office and Governor's Mansion, and grounds severally con-



nected therewith; and see that the same are kept in good order and repair.

Sec. 3. Said Board shall have the power and it is hereby made their duty to make all contracts which may from time to time be required, and to employ all such mechanics and other persons, as may be necessary to keep said grounds and buildings in good order; to disburse all appropriations made for this purpose, by the Legislature; to contract for, and superintend all such buildings on said grounds, as may be ordered to be erected by the Legislature, and to superintend the boring of the Artesian well, and the laying off the capitol square and setting out trees thereon, and shall have power to sell any articles of furniture and other personality, in their charge, which may become useless to the State.

Sec. 4. The capitol square and buildings and improvements thereon, except the Treasury Department, shall be under the special charge of the Secretary of State; the Treasury building under the special charge of the Treasurer and Comptroller; the Land Office and grounds, under the special charge of the Commissioner of the General Land Office; and the Governor's Mansion and the grounds and other improvements thereon, under the special charge of the Governor, and the office of the Attorney General, under his special charge.

Sec. 5. Said Board shall direct and control the investment of all appropriations, made by the Legislature, for the purchase of books for the State Library, and shall make and establish rules and regulations for the management of the Library, and use and preservation of the books.

Sec. 6. This act shall take effect from its passage.

Approved February 2, 1860.

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## CHAPTER 41.

An Act making an appropriation for repairing the capitol and other public buildings.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of twelve hundred dollars be and is hereby appropriated out of any money in the Treasury, not otherwise appropriated; and the same be placed under the control of the Board of Commissioners of Public Grounds and Buildings, for the purpose of repairing the capitol, treasury and old and new

land offices and the fences about the same, and for furnishing lightning rods for the capitol, and other public buildings placed under their charge by law.

Sec. 2. That this act take effect from its passage.

Approved February 2, 1860.

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CHAPTER 42.

An Act making appropriations to defray the expense of the State Penitentiary.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following sums of money be and the same are hereby appropriated, out of any monies in the Treasury of the State, not otherwise appropriated, to-wit:

"The sum of twenty-seven thousand dollars for the purchase of machinery for the use of the State Penitentiary. Provided that in said purchase, under the appropriation, shall be included the machinery now in use, procured by the late financial agent, and the disbursing officer of said appropriation is hereby directed to use so much of the same as is necessary to pay for said machine."

The sum of five thousand, two hundred and twenty-three dollars, to pay the liabilities incurred and unpaid, for the transportation of convicts to the State Penitentiary, during the years 1858 and 1859, and the sum of fifteen thousand dollars, for the payment of similar service for the ensuing two years.

The sum of fifty thousand dollars, for the purchasing of cotton, wool, provisions and other incidental expenses of said Penitentiary, for the years A. D. 1860 and 1861. Provided, that thirty-five thousand dollars of this sum shall be expended out of the income derived from the sales of articles manufactured in the Penitentiary.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved February 3, 1860.

## CHAPTER 43.

An Act making appropriations for the protection of the frontier.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of three hundred thousand dollars, or so much thereof as may be necessary, out of any money in the Treasury, not otherwise appropriated, be and the same is hereby appropriated for the pay and subsistence of the force which has been, or may be called into the service by the Governor, for the protection of the frontier: Provided that only so much of said appropriation shall be draw from the Treasury from time to time as can be so drawn without leaving a deficit in the amount required of the current revenue from time to time to pay the ordinary current expenses of the Government.

Sec. 2. That in case the Governor shall find that there is not money enough in the Treasury to meet the foregoing appropriation fully as the same may be needed from time to time, or that the amount of said appropriation is not sufficient to carry out the provisions of the act for the protection of the frontier, then, in either event, he shall cause only such payments to be made in cash, as cannot be contracted for otherwise; and whenever payments are to be made upon contracts or for services, under said act, which are not necessary cash demands, such payments shall be made pro rata. It is provided, however, that the indebtedness created under this section, shall at no time exceed the sum of two hundred thousand dollars. The Comptroller of Public Accounts, shall, under the special direction of the Governor, audit and adjust all claims and accounts created under the provisions of this section, and certify such adjustment to the party interested; and such accounts shall be paid as may hereafter be provided by law.

Sec. 3. That this act shall take effect from and after its passage.

Approved February 3, 1860.

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CHAPTER 44.

An Act concerning common carriers and defining their liabilities in certain cases.

Section 1. Be it enacted by the Legislature of the State of Texas, That common carriers of goods, for hire, within this State, **on land or in boats, or vessels, on the waters entirely within the body of this State, shall not limit or restrict their liability, as it exists at common law, by any general or actual notice, nor by inserting exceptions in the bill of lading, or memorandum given upon the receipt of the goods for transportation, nor in any other manner, except by special agreement between the carrier and shipper, reduced to writing and signed by the parties or their agents.**

Sec. 2. Upon the tender of the legal or customary rates of freight, on goods offered for transportation, to a common carrier whatever, such carrier shall receive and transport such goods, provided his vehicle or vessel has capacity, safely to carry the goods so offered, on the trip or voyage then pending, and such goods are of the kind usually carried upon such vehicle or vessel, and are offered at a reasonable time. Any common carrier refusing to transport goods, as above provided, taking in the same in the order presented shall be liable, to the party injured, for all damages sustained by reason of his refusal, and shall also be liable to a penalty of not less than five nor more than five hundred dollars, to be recovered, in each case, by the owner of the goods, in any Court having jurisdiction, in the county where the wrong was done, or where the common carrier resides.

Sec. 3. Common carriers are required, when they receive goods for transportation, to give to the shipper, when it is demanded, a bill of lading, or memorandum in writing, stating the quantity, character, order and condition of the goods; and such goods shall be delivered, in the manner provided by common law, in like order and condition to the consignee, the unavoidable wear and tear and deterioration in due course of transportation, only excepted; and in case such common carriers shall fail to deliver goods as above required, they shall be liable, to the party injured, for his damages, as at common law; and in case of their refusal to execute and deliver a bill of lading or memorandum in writing, as above required, they shall be liable to a penalty of not less than five nor more than five hundred dollars, to be recovered as in the preceding section of this act.

Sec. 4. Railroad companies, and other common carriers, having depots or warehouses for storing goods, shall be liable as warehousemen are at common law, for goods, and the care of the same, stored in such depots or warehouses before the commencement of the trip or voyage on which said goods are to be transported; but shall be liable as common carriers, from the com-

mencement of the trip or voyage, until the goods are delivered to the consignee at the point of destination. If the carrier at the point of destination, shall use due diligence to notify the consignee, and the goods are not taken by the consignee, and have, in consequence, to be stored in the depots or warehouses of the common carriers, they shall, thereafter, only be liable as warehousemen. It is also provided that where common carriers receive goods, for transportation, into their warehouses or depots, they shall forward them in the order in which they are received, the first received to be first forwarded, without giving the preference to one over another, and in case they shall fail to do so, they shall be liable, absolutely, for all losses occurring while the goods remain, and for all damages occasioned or in any wise resulting from the delay: Provided that the trip or voyage shall be considered as having commenced from the time of the signing of the bill of lading, and the liability of the common carrier shall attach, as at common law, from and after such signing.

Approved February 4, 1860.

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## CHAPTER 45.

### An Act to apportion the State into Senatorial and Representative Districts.

Section 1. Be it enacted by the Legislature of the State of Texas, That the State of Texas shall be divided into thirty-three Senatorial Districts, which shall be severally entitled to one Senator, and formed as follows, to-wit:

No. 1. The counties of Galveston, Liberty, Jefferson and Chambers.

No. 2. The counties of Polk, Tyler, Jasper, Newton, Orange and Hardin.

No. 3. The counties of Angelina, Nacogdoches and San Augustine.

No. 4. The counties of Sabine, Shelby and Panola.

No. 5. The county of Rusk.

No. 6. The counties of Harrison and Upshur.

No. 7. The counties of Cass and Bowie.

No. 8. The counties of Titus and Red River.

No. 9. The counties of Lamar and Hopkins.

No. 10. The county of Cherokee.

- No. 11. The counties of Houston, Anderson and Trinity.
  - No. 12. The counties of Wood, Smith and Van Zandt.
  - No. 13. The counties of Kaufman, Dallas and Henderson.
  - No. 14. The counties of Fannin and Hunt.
  - No. 15. The counties of Grayson and Collin.
  - No. 16. The counties of Brazoria, Fort Bend and Harris.
  - No. 17. The counties of Montgomery, Grimes and Walker.
  - No. 18. The counties of Madison, Leon, Robertson, Brazos and Burleson.
  - No. 19. The counties of Limestone, Freestone, Navarro and Ellis.
  - No. 20. The counties of Johnson, Tarrant, Erath, Parker and Palo Pinto.
  - No. 21. The counties of Cooke, Denton, Wise, Montague, Jack, Young, Clay, Wichita, Archer, Wilbarger, Baylor, Throckmorton, Hardeman, Knox, Haskell, Buchanan, Shackelford and Jones.
  - No. 22. The counties of Matagorda, Wharton, Colorado, and Fayette.
  - No. 23. The counties of Austin and Washington.
  - No. 24. The counties of Calhoun, Jackson, Victoria, Dewitt, and Lavaca.
  - No. 25. The counties of Gonzales, Guadalupe and Caldwell.
  - No. 26. The counties of Bastrop, Travis and Hays.
  - No. 27. The counties of Milam, Williamson, Burnett, Bell and Lampasas.
  - No. 28. The counties of Ellis, Coryell, McLennan, Bosque, Comanche, Brown, Hamilton, Eastland, Callahan, Coleman, Taylor, Runnels and Hill.
  - No. 29. The counties of Refugio, San Patricio, Nueces, Goliad, Bee, Live Oak, Karnes, McMullen, La Salle and Dimmitt.
  - No. 30. The county of Bexar.
  - No. 31. The counties of Blanco, Comal, Bandera, Kerr, Gillespie, Llano, San Saba, Medina, Uvalde, McCullough, Concho, Mason, Menard, Kimble, Edwards, Dawson, Kinney, Maverick, Atascosa, Frio and Zavalla.
  - No. 32. The counties of Cameron, Hidalgo, Starr, Zapata, Webb, Encinal and Duval.
  - No. 33. The counties of El Paso and Presidio.
- Section 2. The Chief Justice of Galveston county shall receive the returns and give the certificate of election to the Senator elect of the first Senatorial District.
- The chief justice of Tyler of the second district.

The chief justice of Nacogdoches of the third district.  
 The chief justice of Shelby of the fourth district.  
 The chief justice of Harrison of the sixth district.  
 The chief justice of Cass of the seventh district.  
 The chief justice of Red River of the eighth district.  
 The chief justice of Hopkins of the ninth district.  
 The chief justice of Cherokee of the tenth district.  
 The chief justice of Houston of the eleventh district.  
 The chief justice of Smith of the twelfth district.  
 The chief justice of Kaufman of the thirteenth district.  
 The chief justice of Fannin of the fourteenth district.  
 The chief justice of Collin of the fifteenth district.  
 The chief justice of Harris of the sixteenth district.  
 The chief justice of Grimes of the seventeenth district.  
 The chief justice of Robertson of the eighteenth district.  
 The chief justice of Limestone of the nineteenth district.  
 The chief justice of Tarrant of the twentieth district.  
 The chief justice of Wise of the twenty-first district.  
 The chief justice of Colorado of the twenty-second district.  
 The chief justice of Washington of the twenty-third district.  
 The chief justice of Victoria of the twenty-fourth district.  
 The chief justice of Gonzales of the twenty-fifth district.  
 The chief justice of Travis of the twenty-sixth district.  
 The chief justice of Williamson of the twenty-seventh district.  
 The chief justice of McClennan of the twenty-eighth district.  
 The chief justice of Goliad of the twenty-ninth district.  
 The chief justice of Gillespie of the thirty-first district.  
 The chief justice of Cameron of the thirty-second district.  
 The chief justice of El Paso of the thirty-third district.

Section 3. The State shall be divided into Representative Districts, and the counties and representation districts shall elect members of the House of Representatives as follows, to-wit:

No. 1. The counties of Jefferson, Chambers, Liberty and Orange shall elect one Representative.

No. 2. The counties of Liberty and Polk one Representative.

No. 3. The counties of Tyler and Hardin one Representative.

No. 4. The counties of Jasper and Newton one Representative.

No. 5. The counties of San Augustine and Sabine one Representative.

No. 6. The county of Shelby one Representative.

No. 7. The county of Nacogdoches one Representative.

No. 8. The counties of Nacogdoches and Angelina one Representative.

No. 9. Houston county one Representative.

No. 10. Anderson county one Representative.

- No. 11. The counties of Trinity, Houston and Anderson one Representative.
- No. 12. The county of Cherokee two Representatives.
- No. 13. The county of Rusk two Representatives.
- No. 14. Panola county one Representative.
- No. 15. Harrison county one Representative.
- No. 16. The counties of Harrison and Panola one Representative.
- No. 17. Smith county two Representatives.
- No. 18. Cass county one Representative.
- No. 19. Titus county one Representative.
- No. 20. The counties of Cass, Titus and Bowie two Representatives.
- No. 21. Upshur county two Representatives.
- No. 22. Red River county one Representative.
- No. 23. Lamar county one Representative.
- No. 24. Hopkins county one Representative.
- No. 25. The counties of Lamar and Hopkins one Representative.
- No. 26. Wood county one Representative.
- No. 27. The counties of Van Zandt, Kaufman and Henderson two Representatives.
- No. 28. Hunt county one Representative.
- No. 29. Fannin county one Representative.
- No. 30. The counties of Fannin and Hunt one Representative.
- No. 31. Grayson county one Representative.
- No. 32. Collin county one Representative.
- No. 33. The counties of Collin and Grayson one Representative.
- No. 34. Galveston county one Representative..
- No. 35. The counties of Galveston and Brazoria one Representative.
- No. 36. Harris county two Representatives.
- No. 37. The counties of Montgomery, Grimes and Brazos two Representatives.
- No. 38. Walker county one Representative.
- No. 39. The counties of Leon and Madison one Representative.
- No. 40. The counties of Freestone, Limestone and Falls two Representatives.
- No. 41. The counties of Navarro and Hill one Representative.
- No. 42. The counties of Ellis, Johnson and Parker two Representatives.



- No. 43. Tarrant county one Representative.
- No. 44. Dallas county two Representatives.
- No. 45. Denton county one Representative.
- No. 46. The counties of Cook, Montague, Wise, Jack, Young, Clay, Wichita, Archer, Wilbarger, Baylor, Throckmorton, Harde-  
man, Knox and Haskell one Representative.
- No. 47. The counties of Matagorda, Wharton and Fort Bend  
one Representative.
- No. 48. Austin county one Representative.
- No. 49. Colorado county one Representative.
- No. 50. Fayette county one Representative.
- No. 51. Washington county one Representative.
- No. 52. The counties of Washington and Fayette one Repre-  
sentative.
- No. 53. The counties of Burleson and Robertson one Repre-  
sentative.
- No. 54. Bastrop county one Representative.
- No. 55. Travis county one Representative.
- No. 56. The counties of Travis and Williamson one Represent-  
ative.
- No. 57. The counties of Williamson and Milam one Represent-  
ative.
- No. 58. The counties of Caldwell, Hays and Blanco one Repre-  
sentative.
- No. 59. The counties of Bell and Lampasas one Representa-  
tive.
- No. 60. The counties of McLennan and Bosque one Represent-  
ative.
- No. 61. The counties of Coryell, Hamilton, Comanche, Erath,  
Brown, Palo Pinto, Buchanan, Eastland, Shackelford, Callahan,  
Coleman, Jones, Taylor, and Runnels one Representative.
- No. 62. The counties of Calhoun, Victoria, Jackson and De-  
witt two Representatives.
- No. 63. Lavaca county one Representative.
- No. 64. Gonzales county one Representative.
- No. 65. Guadalupe county one Representative.
- No. 66. Comal county one Representative.
- No. 67. The counties of Gillespie, Kerr, Bandera, Mason, Me-  
nard, Kimble and Edwards one Representative.
- No. 68. The counties of Burnet, Llano, San Saba, McCulloch  
and Concho one Representative.
- No. 69. The counties of Goliad, Refugio and San Patricio one  
Representative.
- No. 70. The counties of Karnes, Bee, Live Oak, Atascosa,

McMullen, Frio, LaSalle, Zavalla and Dimmit one Representative.

No. 71. Bexar county two Representatives.

No. 72. The counties of Bexar, Medina, Uvalde, Dawson, Kinney and Maverick one Representative.

No. 73. Cameron county one Representative.

No. 74. The counties of Cameron and Hidalgo one Representative.

No. 75. The counties of Starr and Zapata one Representative.

No. 76. The counties of Webb, Nueces, Duval and Encinal one Representative.

No. 77. The counties of El Paso and Presidio one Representative.

Section 4. In the several Representative districts, composed of more counties than one, the chief justices of the following named counties shall receive the returns and give the certificates of election to the person respectively receiving the highest number of votes, to-wit:

The chief justice of Liberty county for the first and second districts.

The chief justice of Tyler county for the third district.

The chief justice of Jasper county for the fourth district.

The chief justice of San Augustine county for the fifth district.

The chief justice of Nacogdoches county for the eighth district.

The chief justice of Houston county for the eleventh district.

The chief justice of Harrison county for the sixteenth district.

The chief justice of Cass county for the twentieth district.

The chief justice of Hopkins county for the twenty-fifth district.

The chief justice of Van Zandt county for the twenty-seventh district.

The chief justice of Fannin county for the thirtieth district.

The chief justice of Collin county for the thirty-third district.

The chief justice of Galveston county for the thirty-fifth district.

The chief justice of Grimes county for the thirty-seventh district.

The chief justice of Leon county for the thirty-ninth district.

The chief justice of Limestone county for the fortieth district.

The chief justice of Navarro county for the forty-first district.

The chief justice of Johnson county for the forty-second district.

The chief justice of Wise county for the forty-sixth district.

The chief justice of Wharton county for the forty-seventh district.

The chief justice of Washington county for the fifty-second district.

The chief justice of Robertson county for the fifty-third district.

The chief justice of Williamson county for the fifty-sixth and fifty-seventh districts.

The chief justice of Caldwell county for the fifty-eighth district.

The chief justice of Bell county for the fifty-ninth district.

The chief justice of McClennan county for the sixtieth district.

The chief justice of Comanche county for the sixty-first district.

The chief justice of Victoria county for the sixty-second district.

The chief justice of Gillespie county for the sixty-seventh district.

The chief justice of Burnet county for the sixty-eighth district.

The chief justice of Goliad county for the sixty-ninth district.

The chief justice of Karnes county for the seventieth district.

The chief justice of Bexar county for the seventy-second district.

The chief justice of Cameron county for the seventy-fourth district.

The chief justice of Starr county for the seventy-fifth district.

The chief justice of Nueces county for the seventy-sixth district.

The chief justice of El Paso county for the seventy-seventh district.

Section 5. "In all Senatorial or Representative districts composed of but one county, the chief justice of that county shall receive the election returns and give the certificate of election to the Senator or Representative elected."

Passed February 6th, 1860.

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## CHAPTER 46.

An Act for the appointment of Public Weighers, and prescribing their duties and liabilities.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Mayor of every incorporated city or town in

this State, with the advice and consent of the Common Council or Board of Aldermen, shall have power to appoint wherever it is required by the public convenience or the amount of trade, a sufficient number of competent persons, not exceeding six in number, as Public Weighers, who shall hold office for one year, unless sooner dismissed for incompetence or neglect or abuse in office.

Sec. 2. Every Public Weigher shall, on his appointment, file in the Mayor's office, a bond in the sum of one thousand dollars, to be approved by the Mayor, conditioned for the faithful discharge of his duties as Public Weigher, and he shall also take an oath before said Mayor, faithfully to execute the duties of his office, to weigh fairly all cotton, sugar, or other goods which he may be called upon to weigh, and make due returns of the same.

Sec. 3. The Public Weigher shall have no power to appoint deputies.

Sec. 4. He shall keep and use only accurate standard scale balances and weights. He shall weigh all cotton, sugar produce or merchandize, which he may be called to weigh, fairly and impartially, with an even beam, and without any deduction whatever for tare, and shall mark on each, plainly, with ink, the exact weight, with his initials. He shall give a certificate of the weighing thereof, with the marks, numbers and weight of each article weighed, and the order and condition in which it is, and estimate the deduction to which the same should be subject in reducing the weight to nett weight, and stating from what causes. He shall keep an exact record of all weighing done by him, with the same particularity as required in his certificate of weights, which record shall be at all times open to the inspection of any one interested, and he shall deposite the same in the Mayor's office on the expiration of his term of office.

Sec. 5. Any Public Weigher who neglects the performance of his duties as prescribed in the preceding section, shall on complaint to the Mayor, be dismissed by him from office, and cannot be re-appointed.

Sec. 6. The Public Weigher shall be allowed for each bale, hogshead, barrel, box or package weighed, or other weighing by him, such charge as may be regulated by the Corporation of the town or city, or may be agreed upon with the person for whom he weighs, not, however, to exceed eight cents per bale for cotton, and fifty cents per hogshead for sugar, to be paid to him when he delivers the certificate or memorandum of weighing, in

accordance with the provisions of this act and not before, and he may retain the thing weighed until he is paid.

Sec. 7. Nothing in this act shall be construed to prohibit any one from employing one not a Public Weigher to weigh cotton, sugar, produce or merchandize.

Sec. 8. The act passed 1st September, 1856, entitled an act creating the office of weigher of cotton for certain ports in this State, is hereby repealed.

Approved February 7, 1860.

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#### CHAPTER 47.

An Act to reorganize the court of claims, and to extend the time for the presentation of claims for land against the Republic or State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be elected by a joint vote of the Legislature, a Commissioner of Claims, who shall hold his office until the first day of January, 1862. He shall keep his office at the City of Austin, and shall receive an annual salary of two thousand dollars. Before he enters upon the discharge of the duties of his office, he shall enter into bond, with two or more good and sufficient sureties, in the sum of twenty thousand dollars, made payable to the Governor of the State of Texas, and his successors in office, conditioned that he will well and truly discharge all the duties required of him by law, which bond shall be approved by the Governor, and by him filed in the office of the Secretary of State. He shall be allowed one Chief Clerk, to be appointed by him, who shall receive an annual salary of twelve hundred dollars; and who, in case of the sickness or absence of said Commissioner, shall perform his duties. If from any cause a vacancy shall occur in said office of Commissioner of Claims, during the recess of the Legislature, the Governor shall fill the same by appointment.

Sec. 2. After he has complied with the preceding section of this act, and entered upon the discharge of the duties of his office, the Comptroller shall turn over to him all the books, papers and archives then pertaining to the duties of his office, that were delivered to him by the former Commissioner of Claims on

the 1st September, 1859; after which he shall perform all acts required by law of the Comptroller, acting Commissioner of Claims noth otherwise provided for.

Sec. 3. Any person, his heirs or assigns, entitled to a headright under the colonization laws of Coahuila and Texas, or under any law enacted by the Congress of the Republic of Texas, whose right was or is recognized by the Constitution of the Republic or State of Texas, who has not heretofore received a valid grant, certificate or patent, in virtue of said claim, may apply to the Commissioner of Claims, under the regulations prescribed in this act, at any time, before the first day of June, 1861, and if entitled, receive a certificate therefor.

No person is entitled to apply under the 3d section of this act, unless the individual, in whose right the claim is made, was domiciled and resided, continuously, in Texas and the Republic of Texas, from their birth or the time of their emigration, to the time of the application, except in cases when the individual in whose right the claim is made, domiciled and resided continuously, as aforesaid, may have died before or since the first day of January, eighteen hundred and forty-six. The party applying shall prove the existence of every fact necessary under the laws giving the right to establish the justice of the claim, and shall comply with the requirements and provisions of this act.

Applications for certificates shall first be presented in writing, in open court, either district or county court, at some regular term. The application must state the name of the individual in whose right the claim is made, whether he was a citizen, born in Texas or an emigrant. If an emigrant, the time of his or her emigration, the time, place and county of his first fixed residence, the county or counties where such emigrant has resided, up to the time of making the application, or until the time of his death, if such emigrant has departed this life; whether such emigrant was married or single, if married, whether the family of such emigrant came with him, or whether they subsequently came to the country and when; if such emigrant was married subsequently to his emigration, the application shall state when, where and to whom he was married. If the individual in whose right the claim is made, was a permanent citizen of the Republic of Texas, on the fourth day of January, 1839, claiming, under the 2d section of an act of that date, the application shall state the date or time of the birth, or the age of the individual in whose right the claim is made, the county or place of his fixed domicil on the 4th January, 1839, the county or counties in which such individual resided up to the first January,

1846. If the party be dead, the county where and time when he died. The application shall state that the party in whose right the claim is made, was domiciled and resided continuously in Texas, from the date of his emigration to the time of the application or to the time of his death, and that no valid title, patent, certificate or warrant has ever been issued in virtue of said claim, and that the claim is a just and subsisting claim, in favor of the applicant, said application shall be signed by applicant and sworn to in open Court.

The testimony of witnesses to establish any claims under the provisions of this act, shall be oral, delivered in open Court, either district or county court, where the application is made or where the witness resides at any regular term, which shall be reduced to writing by the Clerk. In addition to the facts necessary to establish the justice of the claim, the witness must state the county, town or city where he (witness) resided at the time of the emigration or accrual of the right of the party in whose right the claim is made, concerning which he testifies, facts showing his means of knowing the party in whose right the claim is made, the county or counties, where he has resided since his first knowledge or the emigration of such party, the names of prominent citizens of the several counties of his residence with whom he is or was acquainted. The witnesses shall be examined severally and not in the hearing of each other.

The application must be filed in the county where the applicant resides, and the testimony may be taken there or in the county or counties where the several witnesses may reside. The judges, presiding, shall certify that the application was sworn to in open Court, and that the evidence of the witness or witnesses, was given orally in open Court, and reduced to writing by the Clerk, that the same was signed by the witness, and sworn to in open Court, and that the witness is a credible person; that when the Court so certifies, the clerk of the court, wherein the proceeding is had, shall record the application and the statement of the witnesses, in a book to be kept by him for that purpose, to be a record in his office. That so soon as the application and testimony is so recorded, the clerk shall seal up the same, and forward it, post paid, to the Court of Claims at Austin, for which service the clerk shall be entitled to a fee of two dollars in addition to the usual recording fee, to be paid by the applicant. When the Commissioner of Claims shall receive any such package, he shall docket the claims in a book, to be kept for that purpose, place the papers in proper order, and refer it to the Board created by this act.

Sec. 4. That all applications so filed, before any further action shall be taken on the claim, the applicant shall pay into the hands of the Commissioner of Claims, two dollars and fifty cents, for the use of the State, for examination of each claim.—That when the application is so filed, and the said sum so paid, it shall be referred to the Commissioner of the General Land office, the Comptroller and the Treasurer, who, together with the Commissioner of Claims, are hereby constituted a Board, to decide upon all cases that may be referred to them, under the provisions of this act; who shall set at the Court of Claims, on the first Monday in each month, and as much oftener as may be necessary, who shall proceed to examine and decide on said claim. Every case presented shall be decided upon the evidence in writing, filed as aforesaid, and from the evidence, among the books, papers and archives of the office of Commissioner of Claims. If the said Board be fully satisfied that the party in whose right the application is made, was or is justly entitled to the amount of land claimed, in good faith, and according to law and that no valid title, certificate, warrant or patent has ever been issued in virtue of said right, the Commissioner of Claims shall be authorized to issue a certificate for the amount of the land to which the applicant is entitled, in the name of the party originally entitled, under the seal of his office, and signed by the Commissioner, the certificate to be delivered to the party filing the application, or his agent. Should the evidence be insufficient to establish the right, the claim shall be rejected.

Sec. 5. Any grantee of a conditional certificate, his heirs, executors or administrators may apply to the District or County Courts, as provided in the preceding section, for a corresponding, unconditional certificate, and shall adduce such proof in support thereof as would have authorized its issuance by any law in force at any time prior to the first day of November, 1853. The evidence shall be taken and returned to the Commissioner of Claims, in the manner provided in the foregoing section. If the proof be sufficient, the Board may award to the applicant, an unconditional certificate, which shall be issued by the Commissioner of Claims.

Sec. 6. Any grantee of a conditional headright certificate, or his heirs, executors or administrators, may apply, by motion, in writing, to the District Court of the county in which such conditional certificate was issued, for a corresponding unconditional certificate, which shall be granted by such Court upon such proof as would have authorized its issuance by any officer, Board or Court of the Republic or State of Texas, under



the laws in force at any time previous to the first day of November, A. D. 1853, and upon further proof by the certificate of the General Land Office, under his seal of office, that such conditional certificate was duly reported to his office by the proper officer, and that no corresponding unconditional certificate appears from the records or files of his office, to have been granted or issued, and upon a like certificate of the Commissioner of Claims that such unconditional certificate does not appear, from the records or files of his office, to have been issued, the said unconditional certificates when granted by any District Court, may be issued by the clerk thereof under his seal of office, and attested and approved by the presiding judge, but shall require no other or further approval for location, survey or patent. Provided, however, that no certificate shall issue to any assignee under the provisions of this act. The clerks of the District Courts shall each, at the close of every term, report to the Commissioner of the General Land Office all certificates issued by him under the provisions of this Act. The District Attorneys of the Districts in which any such application may be made, shall represent the State therein and the same may, on the motion of the applicant, be taken up and disposed of at any time when the Court is not engaged in the trial of a cause.

Sec. 7. Any person entitled to bounty or donation lands, for military services, under the laws of the Republic or State of Texas, who has not received a certificate, warrant or patent therefor—or their heirs if they be dead, may apply to the Commissioner of Claims, on or before the first day of June, 1861, and obtain a certificate or warrant, upon their making affidavit that they were in the service and for the length of time for which they apply, and that they were honorably discharged, (if the discharge is lost or destroyed, they shall so state;) and that they have not received a certificate or warrant for the service for which they apply; they shall also prove by the testimony of at least two creditable witnesses who were in the same service, that they performed the service for which the application is made, and shall prove their residence; which testimony, as to residence, shall be written in connection with the affidavit of the applicant, and shall state that they know him, and that they saw him sign his name thereto. If the Commissioner of Claims has in his office any corresponding record evidence that, in connection with the testimony filed, satisfies him that the applicant is entitled, he may issue a warrant therefor. If he has no such evidence, he may refer the application to said Board, who shall determine as to the merits of the case. He may,

however, issue warrants to those entitled, who present an honorable discharge, properly countersigned, or a genuine Poe certificate, without any other proof than their own affidavit, as above stated; provided, widows and orphans shall not be required to make any affidavit. All testimony taken in accordance with the provisions of this section, (other than before said Commissioner,) if in this State, shall be before the clerk of the county court where the witnesses reside; if out of the State, it must be taken by an officer authorized by the laws of Texas to take authentications of instruments for registry in the State of Texas. The credibility of the applicant and witnesses shall be certified to in all cases arising under this section.

Sec. 8. The Attorney-General, when not absent from the Seat of Government on professional duties, shall appear as counsel in behalf of the State, in all cases arising under the preceding sections of this act where a majority of the Board may deem it necessary; and shall at the request of the Commissioner of Claims, give an opinion in writing in all cases touching the public interest that would be affected by the action of the Commissioner. Should a case be presented for the action of the said Board, during his absence they deem it necessary, it may be suspended until his return, or his opinion is obtained.

Sec. 9. All bounty and donation warrants issued for military services, that have not been patented or approved by a former Commissioner of Claims, except those issued by a Commissioner of Claims, or the Comptroller acting as such, shall be presented to said Commissioner for approval, on or before the 1st day of June, 1861, or the same shall be forever barred.

Sec. 10. Whenever a warrant is presented for approval under the provisions of this act, said Commissioner of Claims shall register it, stating its number and date; by whom and to whom it was issued, the quantity of land it calls for, the service for which it issued and whether it is a bounty or donation. If he has in his office any record or other evidence showing that the party was in the service during the time stated in the warrant, and he be satisfied of the genuineness of the signature, and it has not been duplicated, or another issued in lieu thereof, he shall approve it. If there be no evidence in his office that the party served, and he be satisfied that it was issued by an officer authorized by law to issue such claims, or the testimony of two witnesses be taken in the manner herein prescribed, proves that it was so issued, he may approve it. When any such warrant is presented for registry and approval, and he believes it to be a forgery, he shall reject it; or if issued to an assignee, and he

believes it so issued, upon a forged transfer, he may reject it.—If a warrant is proven as specified in this act, and he has satisfactory evidence in his office that the party has obtained his land before, he shall reject the claim so presented stating fully on the face of each warrant his reasons therefor. And any person aggrieved by the provisions of this section, may bring suit within one year from the date of such rejection, in the District Court of Travis county, to establish their rights; to be governed by the rules of evidence in other cases; and shall make the Commissioner of Claims a party to the suit. The State shall be represented by the District Attorney, who shall be entitled to a fee of \$20 for every case that is not sustained—to be paid by the plaintiff as costs of suit, for which execution may issue as in other suits. Any warrant so established, shall be presented to said Commissioner of Claims, together with a certified copy of judgment, and a certificate from the clerk that no appeal has been taken to the Supreme Court within the time allowed by law to take appeals, when he shall approve it.

Sec. 11. All claims presented for registry and approval shall remain in the office until final action is taken thereon; they may, however, be sent out under a commission from said officer, in any case where it may be necessary to the establishment of the same. He shall not reject any warrant until six months from the date of its presentation have passed, unless at the request of the party. He shall have the power to review the action of a former Commissioner, or Comptroller acting as such, where he is satisfied that injustice has been done any party, or that a certificate has been improperly issued. He may approve all genuine 1920 acre bounty warrants, in the same manner as other warrants are approved.

Sec. 12. Said Commissioner of Claims shall perform all the duties of the Adjutant General, under the provisions of the "act for the relief of the heirs of those who fell with Fannin, Ward, Travis, Grant and Johnson," approved February 9th, 1850. He may also issue to said heirs bounty and donation warrants, upon the same proof that authorizes the issuance of headright certificates, as provided for in said act, provided, however, that no certificate shall hereafter be issued under provisions of said act, unless the applicant shall prove his residence by the testimony of at least two credible witnesses: and provided, also, that no certificate shall be issued to an assignee under said act.

Sec. 13. The Commissioner of Claims shall perform all the duties of the Adjutant General under the provisions of the two acts authorizing the issuing of duplicate "land warrants,

discharges and certificates of headright claims upon certain conditions," approved January 14, 1840, and 11th May, 1846: provided, the applicant for a duplicate shall comply with all the requisites prescribed in two said acts, and shall prove by the testimony of at least two credible witnesses, or other satisfactory evidence, that the original warrant which is said to be lost, did in fact exist, and that it has not been returned to the General Land Office. Or if said Commissioner has in his office evidence that would have authorized the issuance of the original, he may issue a duplicate without proving the existence of the original farther than by his own oath: provided, that no duplicate of a Poe certificate, or of a discharge shall be issued: provided, also, that if two or more persons own any headright or other claim so lost, whether application for a duplicate be made to the Commissioner of Claims or the Commissioner of the General Land Office, it shall not be indispensable for all of them to make affidavit of its loss, and of their respective portions, unless there is reason to believe that fraud is intended.

Sec. 14. The Commissioner of the General Land Office shall not issue a patent upon any bounty or donation warrant required by this act to be approved, unless the same has been approved. He shall not issue a patent upon a bounty or donation warrant issued to an assignee since the 24th day of November, 1851, until two years from the date of its approval shall have elapsed, except by order of a decree of a court of competent jurisdiction to try the rights of the grantee and assignee.

Sec. 15. All oral evidence submitted to said Commissioner of Claims, shall be reduced to writing, and signed by the party giving it, and shall then be sworn to before said Commissioner, or his Chief Clerk, who shall be authorized to administer oaths in all cases required in the discharge of the duties of their office, and all such evidence, and all testimony issued before said Commissioner, shall be by him preserved and filed.

Sec. 16. That said Commissioner of Claims shall report monthly to the Commissioner of the General Land office, a descriptive list of all certificates which he has issued and approved for the month previous, and he shall annually make a report, on the first day of September, to the Governor, of the number and description of certificates that he has issued and approved for the year previous.

Sec. 17. He shall demand and receive a fee of one dollar for each duplicate he may issue, two dollars for each certificate to a Railroad company, five dollars for each certificate of a league or over, three dollars for each certificate of twelve hun-

dred and eighty acres or over that amount and less than one league, and two dollars for each certificate for less than 1280 acres that he may issue, whether headrights, bounties or donations; and all copies furnished from said office shall be charged for at the rate of 15 cents per hundred words, and 50 cents for the certificate and seal; and shall account for and pay over all such fees quarterly to the State Treasurer.

Sec. 18. That said Commissioner of Claims shall hereafter issue all land certificates to Railroad companies, which the Commissioner of the General Land office or a former Commissioner of Claims was authorized to issue under any law of the State, and all applications for such certificates shall hereafter be presented to the said Commissioner of Claims in the same manner that they were heretofore required to be presented to the Commissioner of the General Land office.

Sec. 19. The said Commissioner of Claims shall not act as the agent of any person for the prosecution of a claim of any description against the Republic or State of Texas; nor as the agent of any person in locating lands or procuring patents for land; nor as the agent in and about the registry, approval or issuance of any land certificate; nor shall he hereafter purchase any interest in any claim for land, requiring his approval, or for money against the Republic or State of Texas; and if he shall violate any of the provisions of this section, he shall, on conviction therefor, be fined in a sum not less than two thousand dollars, and shall thereafter be ineligible to hold any office in this State. Nor shall any of the clerks employed in said office, act as the agent of any person about the approval of any claim, nor as the agent of any one in locating lands or the issuance of any certificate, nor shall they purchase any interest in any claim requiring the approval of said Commissioner, nor for any money against the Republic or State of Texas; if any one shall violate any of the provisions of this section, he shall, on conviction therefor, be fined in a sum not less than five hundred dollars, and shall be dismissed from office.

Sec. 20. That said Commissioner of Claims shall also perform the duties imposed upon the Auditor by the provisions of an act to provide for ascertaining the debt of the late Republic of Texas, approved March 20th, 1848, so far only as to audit claims for military service, in the same manner and under like restrictions: and every person having a claim against the Republic of Texas, for such service, shall present the same to the Commissioner of Claims and Comptroller of Public Accounts on or before the first day of June, 1861, or the same shall be forever barred.

Sec. 21. When any claim is presented to said officers, under the provisions of the next preceding section, if the party shall present to said officers such vouchers and proof in support thereof, as would have permitted it to be audited under the law of the Republic of Texas, they shall jointly receipt for the same under their hands and seals of office, setting forth the par value thereof, at the same time accrued, the name of the person to whom it accrued, the date and amount thereof; and such receipts shall be paid by the State Treasurer whenever an appropriation is made therefor.

Sec. 22. That said Commissioner shall procure and use a seal similar to the one heretofore used by the Commissioner of Claims, for the authentication of all instruments of writing emanating from his office.

Sec. 23. That all the postage incident to the correspondence of said court, shall be paid by the State, in the same manner and under the same regulations as that of other officers of the State.

Sec. 24. All original applications, either for headrights or military lands, not presented to said Commissioner of Claims on or before the first day of June, 1861, shall be forever barred.

Sec. 25. That on the first day of January, 1862, the Commissioner of Claims shall deliver to the Comptroller all the books, papers and archives, in and belonging to the office of Commissioner of Claims, that were heretofore archives of the Auditor's office; and to the Commissioner of the General Land office all other papers, books and archives belonging to the office of Commissioner of Claims, and the same shall become a part of the archives of their respective offices.

Sec. 26. That all laws and parts of laws conflicting with this act, be and the same are hereby repealed; and that this act take effect and be in force from and after its passage.

Approved February 7, 1860.

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## CHAPTER 48.

An Act creating the county of Marion, and providing for the holding of the District Courts therein.

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the passage of this act, all that por-

tion of the territory included in the following limits, to-wit:—Beginning at the South East corner of Cass county, and running thence North with the East boundary line of said county of Cass, thirteen miles; thence due West to Big Cypress Bayou in the county of Titus, and thence with the meanderings, of said Bayou in a South Easterly direction, to the North West corner of Harrison county, and thence down said Bayou with the North line of Harrison county to the place of beginning, be and the same is hereby created into, and is hereby constituted a separate county, for judicial and other purposes, and shall be vested with all the rights and privileges exercised and enjoyed by the several counties of this state, and shall be called the county of Marion.

Sec. 2. That the town of Jefferson on Big Cypress Bayou, be and is hereby made the seat of justice or county site of said county, and that the District and County Courts shall be holden at that place, and the officers of said county be governed by the laws pertaining to the several counties of the State, relative to the holding of their office and all other things pertaining to their duties.

Sec. 3. That D. S. McKay, James T. Sharp and Eli Moore be and are hereby appointed Commissioners, with full power and authority to organize the said county of Marion, and it shall be their duty, as soon as practicable after giving the notice as required by law, for the organization of new counties, to open and hold an election for Chief Justice, County Commissioners, Sheriff, Clerks of the District and County Courts, and all other officers directed by law, for the other counties of this State, and said Commissioners shall receive, for the use of said county of Marion, any donation or donations of lands for public use, and that so soon as the said county is organized, they shall make a report in full of all their actions performed as Commissioners, to the County Court of said county of Marion, and turn over to said Court all the papers pertaining to said organization, as records of office, of the said County Court.

Sec. 4. That the Commissioners appointed by this act shall, before entering upon the duties of their office, take and subscribe to an oath, before some Justice of the Peace of Cass county, for faithful and impartial discharge of their duties; and said Commissioners are hereby authorized and empowered to qualify the first Chief Justice, and other officers of said county.

Sec. 5. That said county of Marion shall be and constitute a part of the Eighth Judicial District of this State, and the first term of the District Court shall commence therein on the second Monday before the first Monday in August, 1860, and

may continue in session two weeks, and that the District Courts in said county, shall commence, thereafter, on the second Mondays before the first Mondays in February and August, and may continue in session two weeks.

Sec. 6. That after the organization of said county, the County Court may take measures to have so much of the records of the counties of Cass and Titus, as pertain to the territory of said county of Marion, transcribed for the use of said county of Marion, and have the same properly authenticated by the Clerks of each of said counties, and when the same is done, said records shall be good and valid to all intents and purposes, as the records of other counties of this State.

Sec. 7. That when any suits now pending in either of the counties of Cass or Titus, that would be proper in accordance with existing laws of this State to be brought in said county of Marion, may be transferred to said county of Marion, by consent of all of the parties to said suits, provided, that said county of Marion shall not be taxed with any costs accrued thereon prior to the passage of this act.

Sec. 8. That this act be in force from its passage.

Approved February 8, 1860.

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## CHAPTER 49.

**An Act to appropriate the sum of four thousand dollars in addition to the sixty thousand dollars for the support of the Ranging Companies commanded by Capts. John S. Ford, John Henry Brown and James Bourland.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of four thousand dollars be appropriated, in addition to the sixty thousand dollars appropriated January 12, 1860, for the support of the Ranging Companies commanded by Captains Ford, Brown and Bourland, and that this act take effect and be in force from and after its passage.

Approved February 8, 1860.



## CHAPTER 50.

An Act to restore land sold for taxes, and purchased by the State, to former owners, on certain conditions.

Section 1. Be it enacted by the Legislature of the State of Texas, That the former owner of lands that have been sold for taxes, and purchased by the State, shall have two years from and after the first day of February, 1862, to redeem the same upon payment to the assessors and collectors of taxes, of the county wherein the land lies, or to the Comptroller of the State, of all arrearages of taxes unpaid, with fifty per centum on all taxes that are or should be due on such lands, had the former owner continued to own and give in the same for taxation, and a fee of two dollars for the assessor and collector who made the sale, for his services. And it shall be the duty of the assessors and collectors, or the Comptroller, as the case may be, in receiving such payments, to compute the value of lands, that have been sold for taxes and have remained unassessed for any number of years, in accordance with the value of lands lying in the vicinity of such land so sold and purchased by the State.

Sec. 2. The assessor and collector shall make a separate quarterly return to the Comptroller, specifying the lands redeemed, as herein provided, and the amount of taxes collected, thereon, which tax he shall pay into the State Treasury, as required for the payment of other taxes. The certificate of the assessor and collector or the Comptroller, as the case may be, shall be sufficient evidence that the lands have been redeemed, and the former owner restored to all the rights he possessed in such lands, prior to the sale of the same for taxes.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved 8th Feb'y, 1860.

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CHAPTER 51.

An Act supplementary to an act supplementary and amendatory of an act to regulate Railroad Companies, approved February 7th, 1853, approved December 19th, 1857.

Section 1. Be it enacted by the Legislature of the State of Texas, That no Railroad company shall issue any shares of

stock in said Company, except at its par value and to actual subscribers who pay, or become liable to pay the par value thereof; and every Officer or Director of a Railroad Company, who shall issue, or consent to the issue of any share of stock in violation of this provision, shall become personally liable to the stockholders and creditors of said company, for the full par value thereof; Provided, however, that any company may provide in its By-Laws for the issue of certificates of stock in payment of any debt contracted for the construction or equipment of its road, and any bona fide indebtedness.

Sec. 2. That no Railroad Company heretofore chartered, or which may hereafter be chartered by this State, shall enter upon, except for a lineal survey, any real estate whatever, the same being private property, for the purpose of taking and condemning the same, for any purpose that may be authorized by its charter, until the said company shall agree with and pay the owner thereof all damages that may be caused to the lands and property of said owner, by the condemnation of said real estate and property, and by the construction of such road: Provided, that if said company and said owner or owners cannot agree upon the damages, it shall be the duty of said company to state in writing the real estate and property sought to be condemned, the name of the owner, the object for which the same is sought to be condemned, and file the same with the Chief Justice of the county in which said property is situated, and thereupon the Chief Justice shall appoint three disinterested freeholders of said county as special Commissioners to assess said damages, giving preference to those that may be agreed on between said company and said owner; and it shall be the duty of said commissioners when sworn by the Chief Justice, to assess said damages; taking as the rule of assessment the damages so done the real estate and property of said owner, by the construction of said Railroad and by the condemning of said real estate and property for the use aforesaid. And the said commissioners shall proceed thus: They shall appoint a day and place at the earliest practicable period, for hearing said parties—they shall on the day and at the place appointed, fully hear said parties; they shall if they choose, examine the land and property sought to be condemned, and then under oath assess by the rule before mentioned, the damages—it being the duty of said company to give to the owner five days written notice before the sitting of said Commissioners; and if either party be dissatisfied with the decision of said Commissioners, he or they shall have the right to file a petition in the District Court, as in ordinary cases, reciting the

cause of action, and the failure to agree, and such suit shall proceed to judgment as in ordinary cases. That the costs of the proceedings before the Commissioners and in the Court, shall be determined as follows, to-wit:

If the said Commissioners shall award greater damages than the said company offered to pay before the proceedings commenced, or if suit is commenced in the District Court under the provisions of this act, and the judgment of the Court is for a greater sum than the amount awarded by the Commissioners, then the said company shall pay all costs; but if the amount awarded by said Commissioners as damages, or if the judgment of the District Court shall be for the same or less amount of damages, than the amount offered by the company before proceedings were commenced, then the costs shall be paid by the owner of the property: and further provided, that the award of the commissioners and the judgment of the District court shall operate as a lien upon the Road-bed-track, to secure the payment of said award of judgment, and upon filing the amount of the award of the commissioners made under the provisions of this act, in a court having jurisdiction, of the amount thereof, such Court is empowered and hereby required to issue an execution therefor, as in cases of judgment; and in case the final condemnation is made by the District Court, said court shall enter a judgment for the amount thereof, and order execution thereupon: and further provided, that in case either party may be dissatisfied with the decision of the Commissioners, the Railroad Company, by depositing the amount of the award of the Commissioners, or filing bond with good security, in double the amount payable to the owner of the land, with the Clerk of the District Court of the county in which the land is situated, to abide the final decision in the case, may proceed with the construction of their road, as if there was no controversy existing. In cases where lands belonging to non-residents or persons unknown, are sought to be taken by any Railroad Company in the construction of its work, the notice may be served on them by publication for four weeks in the newspaper nearest to the county in which the land is situated, and service so made shall be effectual as if served personally.

Where the lands are owned by minors, the service may be on their guardian, and the land taken as in other cases.

Sec. 3. That each and every Railroad Company be and is hereby required to erect at each and every depot, station or place established by such company for the reception and delivery of freight, suitable buildings or inclosures to protect produce, goods,

wares and merchandise, and freight of every description, from damage by exposure to the weather, stock or otherwise, in default of which, such Railroad Company shall be liable to the owner of such produce, goods, wares or merchandize, for the amount of damages or loss sustained by reason of such improper exposure, together with all costs and expenses of recovering the same, including necessary attorneys' fees; provided, that Railroad Companies shall in no case be allowed to charge storage upon freight received by them for delivery, unless the owner or owners, consignee or consignees thereof neglect to remove it from the depot of the company, within three days after notice of its reception, which notice may be given by posting the same on the depot door, and after the expiration of such time the company may remove and store said freight at the expense of the owner or consignee, and said freight shall be held liable for the freight and charges due thereon.

Sec. 4. When the consignee or owner of any goods or articles, transported on any Railroad, which are perishable, and which remain in possession of the company, cannot be found, or refuses to receive the same, or pay the charges, or neglects to do so for an unreasonable time, application may be made, by the company, or its agents, to any Justice of the Peace, or to the Mayor or Chief Magistrate of any incorporated town for an order of sale, and if it shall be made to appear to such Justice or Mayor that the goods have been transported by the company, and are perishable in their nature, and that the consignee or owner cannot be found, or refuses or neglects to pay the costs and charges of transportation, or to receive the goods, such Justice or Mayor shall issue an order under his hand and official signature, directed to the Sheriff, or any Constable or Marshal of the town, directing the sale of the goods at public vendue, at such time as the Justice or Mayor may direct, and out of the proceeds of sale, to pay all costs which have accrued in procuring the order, making the sale, and the charges on such goods for their transportation, and should there be a balance left, it shall be paid into the county treasury, and the owner of such goods may receive the same out of the treasury on the order of the County Court, if applied for in two years, but not afterwards.

Sec. 5. That each and every Railroad Company whose railway passes through a field or enclosure, is hereby required to place a good and sufficient cattle guard or stop, at the points of entering and leaving such field or enclosure, and keep them in good repair; and in case an enclosure or field through which a

Railway passes, shall be enlarged or extended, or the owner of the land over which a Railway runs, shall clear and open a field so as to embrace the track of a Railway; such Railroad Company is hereby required to place cattle guards or stops at the margins of such extended enclosures or fields or such new fields, so as to protect such fields and enclosures from the depredations of stock of every description; in default of which, the owner or owners of such field or enclosure, is or are hereby empowered to have such cattle guards or stops placed at the proper places, to protect their enclosures, and may recover the costs thereof, from such Railroad Company, unless it is shown that the enlargement or extension, as above, is made capriciously and with intent to annoy and molest the company.

Sec. 6. That each and every Railroad Company in this State, shall be liable to the owner, for the value of all stock killed or injured, by the locomotives and cars of such Railroad Company in running over their respective Railways, which may be recovered by suit before any Court having jurisdiction of the amount. If the Railroad Company fence in their road, they shall only then be liable in cases of injury resulting from the want of ordinary care.

Sec. 7. That if any officer of any Railroad Company chartered in this State, shall become secretly interested, directly or indirectly, in any contract entered into and made by said company, with any person or persons whatsoever, for the construction of said road, the furnishing of materials, work and labor necessary to erect and construct such road or the furnishing the rolling stock for such road, or any other contract for the successful operation of such road, upon conviction before a Court of competent jurisdiction, shall forfeit and pay the sum of not less than one thousand nor more than five thousand dollars for the use of this State.

Sec. 8. Stock issued within thirty days before any stockholders' meeting, shall not entitle the holder to vote thereat, except at the first stockholders' meeting under their charter, for organization; nor shall any stock be voted upon except in proportion to the amount paid thereon, or secured to be paid, by good security, in addition to the subscription and stock.

Sec. 9. Be it further enacted, That if any Railroad Company, heretofore or that may hereafter be chartered in this State, shall exact, demand and receive any higher or greater rates of freight than is or may be allowed by law, or the provisions of their respective charters, to such company, for the transportation of freights, such company shall forfeit and pay to the

owners of such freight, for each and every such overcharge, the sum of ten dollars to be recovered before any Justice of the Peace in the county where such company may have their principal office for the transaction of business, in an action of debt by any person whose freight may have been so overcharged, his agent or attorney; and that the receipt for the amount of freight paid, given by any agent, conductor, clerk or other employee or operative of said company, or of any person acting in any such capacity, shall be prima facie evidence on the trial of such suit, that said company made the charge and exacted, demanded and received the sum therein stated. Provided, that said company may exact for each and every parcel or parcels, package or packages, of less than two hundred pounds in weight for which they may be required to give a separate receipt or bill of lading, the same sum that they would be entitled to charge if such parcel or parcels, package or packages was of such weight.

Sec. 10. That the right of way secured, or to be secured to any Railroad Company in this State, in the manner provided by law, shall not be so construed as to include the fee simple estate in lands, either public or private, nor shall the same be lost by the forfeiture or expiration of the charter, but shall remain subject to an extension of the charter, or the grant of a new charter over the same way, without a new condemnation.

Sec. 11. That any Railroad terminating on the Eastern boundary of this State, may connect with any Railroad or Railroads which will connect it, or them, with the Mississippi river, upon such terms as the parties concerned may agree: Provided such agreement shall not be in contravention of this or any other General Law regulating such corporations.

Sec. 12. When any company refuses or neglects to draw over its road, the cars of another company connecting with it, such company connecting with it may draw its cars over such road, with its own engines, during such refusal or neglect, subject, while on such road, to its regulations, for the management of its own trains.

Sec. 13. The point at which the road of two companies intersects or connects is declared to be a depot for the receipt and delivery of freight, and the companies must receive, carry and deliver freight and passengers to and from the same, under the same regulations and the same penalties as in other cases.

Sec. 14. When a company constructs a switch on its road for the accommodation of freighters, they shall be bound to furnish a sufficient number of cars for the transportation of freight therefrom, when requested so to do, and in default so to do, shall

be subject to the same penalties as in other cases of neglect of the like character.

Sec. 15. That all Railroad Companies, which have not heretofore made the annual reports to the Comptroller of the State and the Commissioner of the General Land Office, shall have until the first of June, 1860, to make such reports, and all Railroad Companies shall make such reports hereafter, on the first day of June, annually, and any company hereafter failing to make such annual report, after sixty days notice from the Comptroller or Commissioner of the General Land Office, shall forfeit all right to receive any lands which may have been granted to them by their charter or otherwise; the Companies shall make their reports according to the forms which shall be furnished them by the Comptroller and the Commissioner of the General Land Office.

Sec. 16. That the Railroads of this State, beginning or terminating at, or passing through any city or town, shall be and the same are hereby required to connect so as to allow the cars of one to pass over the track of another, and for the purpose of forming such connections, the company or companies of such Railroad or Railroads shall have the right to enter upon and use any public street, alley or highway in such city or town, for the track or its or their road or roads, without compensation, in accordance with the provisions mentioned in the following section.

Sec. 17. That if any Railroad Companies shall be unable to agree as to the point or points at which such connection shall be made, or if the people or authorities of such city or town oppose the passage of any road through or over any particular street or highway, then and in that case it shall be the duty of the State Engineer, or such other person as the Governor may appoint, on the application of any Railroad company, upon being notified of the fact, by any one of the companies or by the authorities of such city or town, to proceed to designate the point or points at which said connection shall be made, and also the streets, alleys and highways through and over which such road or roads shall pass: Provided, that in the selection of streets or highways, a due regard shall be had to the commercial interests and convenience of such city or town, and no main business street or thoroughfare shall be appropriated for a railway track, if another may conveniently be made to answer.

Sec. 18. That to form such connection, the companies or any of them shall have the right to enter upon, and use the property of any private individual or corporation, upon making

just compensation therefor, in accordance with the terms of the charter of any one of the companies seeking to use the same, or of the provisions of any General Law providing that private property may be appropriated for highways or for public uses.

Sec. 19. That the expenses of such connections shall be borne equally by the several roads required to make the connections, and any Railway Company failing or refusing to make its portion of the connection herein required, within twelve months from the time of being notified by any other company, of its readiness to make such connection, unless prevented by delays in obtaining the right of way, shall forfeit all claim for land by virtue of any act of the Legislature of the State of Texas, granting donations of land to encourage the construction of Railroads, and moreover shall be liable to pay, by suit at law, its just proportions of the costs of such connection.

Sec. 20. That if the people or authorities of any city or town shall forcibly obstruct or oppose the passage of any Railroad through or over any street, common, highway or alley which may have been designated by the State Engineer or such other person as the Governor may appoint to form such connection, they shall be liable in damages to any or all of said companies.

Sec. 21. That any Railway Company duly chartered by the laws of this State, shall have the right to construct the main track of its road through the corporate limits of any city or town in this State, which may be in the line of said Railway, and for such purpose may use any of the public streets, alleys and highways of such city or town, or private property, in the same manner and subject to the same rules and regulations mentioned in the sixteenth section of this act: Provided, that the company owning said road shall pay the damages for any private property taken, but shall not be required to pay any damages for the use of any streets, alleys or highways so taken or to be so taken and used: and further provided, that if the passage of said line of road through or over any public street, alley or highway of such city or town shall be opposed or obstructed by the people or authorities, of such city or town, after the same shall have been ignited by the State Engineer or such other person as the Governor may appoint, then and in that case such company in its discretion may select the line of its road so as to pass around said town, in which case it shall have the right to recover by suit, of such city or town, damages occasioned by such opposition or obstruction.

Sec. 22. That the authorities of any city or town through the streets, alleys or highways of which any Railroad cars may



pass, in accordance with the provisions of this act, shall be and they are authorized to regulate the speed at which such cars shall be run: provided, the maximum speed shall not exceed six nor the minimum be less than four miles per hour; to require that the companies shall have signal men with flags or signals at the crossings of all the principal streets, and that the locomotives shall be provided with spark catchers; and to generally require of the said companies such measures of precaution in running their locomotives and cars through such streets, alleys and highways as in their opinion may be necessary to secure the safety of the inhabitants and property; Provided, the authorities shall not have the right to prohibit the passage of the locomotives and cars over any portion of the track.

Sec. 23. That no Railroad Company in this State shall forfeit its franchise, rights or privileges, arising under its charter, or under any General or Special Law, so far as relates to the actual extent of road completed, by reason of a failure to complete twenty-five miles each and every year, or any other extent of road, required to be completed within a given time; Provided, as much as twenty-five miles of the road shall be completed before forfeiture is incurred.

Sec. 24. That all laws and parts of laws inconsistent with the provisions of this act, are hereby repealed; and that this act take effect and be in force from and after its passage.

Approved 8th Feb'y, 1860.

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## CHAPTER 52.

An Act to amend the third section of an act to encourage the construction of Railroads in Texas, by donations of land, approved January 30th, 1854.

Section 1. Be it enacted by the Legislature of the State of Texas, That the third section of the above entitled act shall hereafter read as follows: "That surveys made under the provisions of this act shall be in sections of six hundred and forty acres each, unless prevented by previous surveys or navigable streams, which surveys shall be delineated upon a map or maps which shall be deposited in the General Land Office with the field notes thereof, and it shall be the duty of the Commissioner of said office to number said surveys from one upwards to the full amount returned, and shall report the result of such numberings to the Surveyor of the land district in which such sur-

veys are situated, and the even numbers shall be reserved to the State, and the odd sections granted to the company having such surveys made: Provided, that no location shall be made unless at least two surveys, connected with each other, can be obtained which shall be made and counted as to quantity, in accordance with the seventh section of this act; and that the company shall not obtain a greater number of sections, or fractional sections, in any one place, than are surveyed for the State.

Approved February 8, 1860.

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### CHAPTER 53.

#### An Act concerning common schools.

Section 1. Be it enacted by the Legislature of the State of Texas, That when making the annual apportionment of the school fund, it shall be the duty of the County Court of each county to require of each teacher who claims any money on account of the tuition of indigent children, to produce a certificate signed by two respectable paying patrons of his school, stating that the children reported as indigent, are children whose parents or guardians are unable to pay, of orphans whose tuition is unpaid, or are the children of widows who have no greater amount of property than is secured by the Constitution and laws for forced sale. And unless upon such certificate no money shall be allowed or paid.

Sec. 2. No Chief Justice shall be allowed to make any charge by way of commission or otherwise against the school fund, for his services in relation to the same.

Sec. 3. This act shall take effect from and after its passage.

Approved February 8, 1860.

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### CHAPTER 54.

An Act supplementary to an act supplementary to an act to give each corporate county of this State its own county surveyor, maps and records, and defining the duties of surveyors, approved January 26th, 1858.

Section 1. Be it enacted by the Legislature of the State of Texas, That any organized county which may fail or refuse to

organize as a separate land district according to the provisions of the above recited act, shall continue to form a part of the land district to which it was formerly attached, until it shall have complied with the provisions of the aforesaid act.

Sec. 2. That in any unorganized county, to which a special deputy surveyor may have been appointed or may hereafter be appointed under the provisions of the act to which this is a supplement, the District Surveyor of the land district to which it is attached or his deputies may make surveys, the field notes of which shall be recorded in a separate book for each of such unorganized counties and also in the ordinary record books of the land district.

Sec. 3. That the District or County Surveyor of any county shall have the power to appoint a special deputy who shall be empowered to perform all official acts which said District or County surveyor may legally perform, and that the said special Deputy Surveyor, before entering into the discharge of his duties, shall give bond, with two or more securities, in the sum of five thousand dollars, payable to the Governor of the State, for the faithful discharge of the same.

Sec. 4. That this act take effect and be in force from and after its passage.

Approved February 8, 1860.

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## CHAPTER 55.

An Act to amend the sixth and seventh sections of an act entitled "an act regulating sequestrations," approved March 15, 1848.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sixth section of an act entitled "an act regulating sequestrations," approved March 15th, 1848, is hereby amended so that the same shall hereafter read as follows, to-wit: That hereafter any defendant whose property has been taken by writ of sequestration, shall have the right to retain the same by delivering to the Sheriff, or other officer executing such writ, his bond, payable to the plaintiff, with good and sufficient sureties, to be approved by the Sheriff or officer taking the same, for an amount of money equal to double the value of the property sequestered, which bond, if the property sequestered be

slaves or movable property, shall be conditioned that the defendant will not send away the same out of the county or limits of the State, according to the plaintiff's affidavit; that he will not make an improper use of the same, and that he will have such slaves or movable property, with the value of the hire, fruits or revenue thereof, forthcoming to abide the decision of the Court, or that he will pay the value thereof, and of the hire, fruits or revenue, in case the suit shall be decided against him. If the property sequestered be real property, the condition of said bond shall be that the defendant will not injure such property, and that he will pay the value of the rents of the same, in case he shall be condemned so to do. Such bond shall be returned to the Court with the writ, and in case the suit is decided against the defendant, final judgment shall be entered against all obligors in such bond, jointly and severally. Provided, that nothing in this section shall be so construed as to require a defendant to account for the hire, fruits or revenues of slaves or movable property, or for the rents of real property, when the object of the suit is only to enforce the payment of a mortgage or lien, and not to try title thereto.

Sec. 2. The seventh section of said recited act is hereby amended so that the same shall hereafter read as follows, to-wit: The sheriff, or other officer, while he retains the custody of the sequestered property, shall take care and manage the same in a prudent manner; he may confide the same to the custody of other persons, but he shall be responsible, for their acts and shall be responsible to the party injured, for any neglect or mismanagement by himself or by those to whom he has confided the custody or management of such property; and he shall be entitled to receive a just compensation and all reasonable charges therefor, to be determined by the Court or Justice of the Peace having jurisdiction of the cause, and paid out of the proceeds of the property sequestered, if judgment be given in favor of the party suing out the writ of sequestration; but if judgment be against the party suing out said writ, then such compensation and reasonable charges shall be paid by him. If the defendant does not replevy the property sequestered, within thirty days after seizure thereof, the Sheriff or other officer shall deliver the property to the plaintiff, upon his giving bond, payable to the Sheriff or other officer, in a sum at least double the value of the property sequestered, with two or more good and sufficient sureties to be approved by the officer, conditioned that the property together with the value of the hire, fruits or revenue thereof, shall be forthcoming to abide the decision of the Court; which

bond, if forfeited, or if the suit be decided against the plaintiff, shall have the force and effect of a judgment against all the obligors therein, in favor of the defendant. If the property sequestered be slaves, and the defendant does not replevy the same within thirty days from the seizure thereof, or the plaintiff within ten days after the expiration of said thirty days, it shall be the duty of the Sheriff or other officer to hire out said slaves to the best advantage.

Approved February 3, 1860.

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#### CHAPTER 56.

An Act to regulate the time of holding the District Courts of the Eighteenth Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas, That the District Courts in the counties composing the Eighteenth Judicial District of the State, shall hereafter be held as follows:

In the county of Atascosa, on the first Mondays in April and October, and may continue in session three weeks.

In the county of Bändera, on the third Monday after the first Mondays of April and October, and may continue in session one week.

In the county of Uvalde, on the fourth Monday after the first Mondays of April and October, and may continue in session two weeks.

In the county of Medina, on the sixth Monday after the first Mondays of April and October, and may continue in session three weeks.

In the county of Kinney, on the ninth Monday after the first Mondays of April and October, and may continue in session one week.

In the county of Maverick, on the tenth Monday after the first Mondays of April and October, and may continue in session one week.

Sec. 2. That all writs and process that have been, or may hereafter be issued, from any of the District Courts of said District, shall be considered as returnable to the terms of said Courts as established by this act, and shall have the same force and effect as if the same had been originally so returnable.

Sec. 3. That all laws and parts of laws conflicting with this act, be and the same are hereby repealed.

Sec. 4. That this act take effect from and after its passage.

Approved February 8, 1860.

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CHAPTER 57.

An Act to authorize the formation of county and town Agricultural Societies.

Section 1. Be it enacted by the Legislature of the State of Texas, That any ten or more persons, inhabitants of this State, who shall desire to form a town or county Agricultural or Horticultural Society in any county, town, city or village of this State, may make, sign and acknowledge duplicate articles of association, before any officer authorized to take acknowledgment of deeds in this State, and file the same in the office of the county clerk of the county in which the business of the Society is to be conducted; in which articles shall be stated the name by which such Society shall be known in law, the particular business and objects of such Society, the number of trustees, directors or managers, who shall manage the same, and the names of such directors, trustees or managers thereof, for the first year of its existence.

Sec. 2. That upon filing such articles of association as aforesaid, the persons who shall have signed the same, and their associates and successors shall, thereupon, and by virtue of this act, be known as an Agricultural Society, by the name stated in such articles: Provided, no two Societies shall assume the same name; and by that name they shall, in law, be capable of taking and receiving, purchasing and holding real estate for the purpose of their Society, but for no other purpose, to an amount not exceeding twenty-five thousand dollars in value, if a county Society; and ten thousand dollars if a town, city or village Society: and of personal estate, for a like purpose, to an amount not exceeding ten thousand dollars, if a county Society; and five thousand, if a town, village or city Society; and may make all necessary by-laws for the management of said Society, not inconsistent with the laws of this State or of the United States.

Sec. 3. That any person who shall pay into the treasury of

said Society, annually, in such time and manner as the by-laws thereof shall direct, a sum of money not less than one nor more than two dollars, and subscribe to the articles of association, shall be a stockholder therein, and entitled to all the privileges and immunities thereof.

Sec. 4. That the officers of said Society shall consist of a President, a Secretary and Treasurer, and at least five directors, and they shall be elected annually by the stockholders of said Society; and said officers shall constitute a board for the management of the concerns of said Society, a majority whereof, shall be a quorum; and it shall be the duty of said officers to manage the property and concerns of said Society as will best promote the interests of agriculture, horticulture and the mechanic arts; and they may hold fairs and exhibitions, and may distribute premiums for the best and most meritorious animals or articles exhibited in these several departments, as shall be, by their by-laws and these regulations, provided.

Sec. 5. That there shall be but one county Society in any one county of this State, nor shall there be more than one town Society in any one town, village or city; but two or more towns may join and organize a town Society for towns.

Sec. 6. That the said Societies shall have authority to sell the whole or any part of their real estate by a vote of not less than two-thirds of the members present at any annual meeting, notice by some member, of the intention to make an application for the sale thereof, having been first published once a month for three months, in some newspaper in the county in which such Society is situated, or if there is no newspaper printed in said county, then in some paper in an adjoining county.

Sec. 7. That the President, Secretary and Treasurer of said Societies shall, on or before the 1st day of February in each year, make out and have published in some newspaper published in said county, if there be one published, and if not, then in some newspaper in an adjoining county, a statement of the transactions of said Society for the preceding year, and giving a full detail of the receipts and expenditures thereof, with a list of the premiums awarded, and to whom and for what purpose.

This act shall take effect from and after its passage.

Approved February 8, 1860.

## CHAPTER 58.

An Act supplementary to an act to provide for the registry of deeds and other instruments of writing.

Section 1. Be it enacted by the Legislature of the State of Texas, That when a witness to any instrument of writing which by law may be recorded, shall fail to appear in obedience to any subpoena issued by an officer authorized to take the proof of such instrument for registration, summoning him to appear and make affidavit in relation to the execution of the same, the officer who issued the subpoena shall have the same power to enforce his attendance, and to compel his answers on oath, in relation to the execution of such instruments as a Judge of the District Court has to compel the attendance and answers of witnesses. Provided, that an attachment shall in no case issue, without the same compensation is made or tendered to each witness, as is allowed to witnesses in other cases; and further provided that no witness shall be required to go beyond the limits of the country of his residence, under the provisions of this act, unless he shall, for the time being, be found in the county where the execution of such instrument is sought to be proved for registration.

Sec. 2. That any grant, deed or other instrument of writing for the conveyance of real estate or personal property or both, or for the settlement thereof in marriage, or separate property, or conveyance of the same in mortgage, or trust to uses, or on conditions, as well as any and every other deed or instrument required or permitted by law to be registered, and which shall have been heretofore registered or recorded, shall be held to have been lawfully registered, with the full effect and consequences of existing laws. Provided, the same shall have been acknowledged by the grantor or grantors before any Chief Justice or Associate Justices or Clerk of the County Court or Notary Public in any county within the late Republic or the now State of Texas, or Judge of the Department of Brazos, or any primary Judge or Judge of the first instance in 1835 or 1836, or proven before any such officer, by one or more of the subscribing witnesses thereto, and certified by such officer, whether such acknowledgement or proof shall have been made before any such officer of the county where such instrument should have been recorded or not.

Sec. 3. That all such instruments which shall have been acknowledged or proven before any officer named in the foregoing section of this act, and which shall have been afterwards



recorded in the proper county, or certified copies thereof shall be evidence in the Courts of this State, as full and sufficient as if such acknowledgment had been taken, or proof made in accordance with existing laws. This act shall not be so construed as to effect or bind in any manner, any person or party, with constructive notice of the existence of any deed, or other instrument of writing as a recorded deed or instrument, except in the future, and after the taking effect of this act, unless such person or party would have been so affected, or bound with such notice, had this act never been passed.

Sec. 4. Every partition of any tract of land or lot, made under any order or decree of any Court, and every judgment or decree by which the title of any tract of land or lot is recovered shall be duly recorded in the Clerk's Office of the County Court in which such tract of land or lot or part thereof may lie, and, until so recorded, such partition, judgment or decree shall not be received in evidence in support of any right claimed by virtue thereof. It shall not be necessary in such cases to record the proceedings or the decree rendered in such cases, in full, but a brief statement by the Clerk of the Court in which the same is made, under his hand and seal, setting forth the case in which the partition or decree was made, and the date thereof, and the names of the parties in the suit or partition, and the particular land or lot lying in the county in which the record is made, and the name of the party to whom the same is decreed, shall be deemed and held to be a sufficient record of such partition, judgment or decree.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 9, 1860.

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## CHAPTER 59.

An Act to reorganize the Thirteenth Judicial District, and to fix the time of holding Courts therein.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Thirteenth Judicial District shall be composed of the counties of Madison, Robertson, Falls, Limestone, Hill, Navarro, Freestone and Leon.

Sec. 2. That the District Court shall be held in Madison on

the first Monday in March and September, and may continue in session one week.

In the county of Robertson, on the first Monday after the first Mondays in March and September, and may continue in session two weeks.

In the county of Falls, on the third Monday after the first Mondays in March and September, and may continue in session two weeks.

In the county of Limestone, on the fifth Monday after the first Mondays in March and September, and may continue in session one week.

In the county of Hill, on the sixth Monday after the first Mondays in March and September, and may continue in session one week.

In the county of Navarro, on the seventh Monday after the first Mondays in March and September, and may continue in session two weeks.

In the county of Freestone, on the ninth Monday after the first Mondays in March and September, and may continue in session one week.

In the county of Leon, on the tenth Monday after the first Mondays in March and September, and may continue in session two weeks.

Sec. 3. That writs and processes of every kind, that have been or may be hereafter issued from the District Court of the counties mentioned in this act, shall be returned to the terms of said Court, as established by this act, and all such writs and processes shall have the same force and effect in law as if they had originally been so returnable.

Sec. 4. That all laws and parts of laws in conflict with this act are hereby repealed; and that this act take effect and be in force from and after its passage.

Approved February 9, 1860.

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## CHAPTER 60.

**An Act to reorganize the Sixteenth Judicial District of the State of Texas, and to define the time of holding Courts therein.**

**Section 1.** Be it enacted by the Legislature of the State of

Texas, That the Sixteenth Judicial District of the State of Texas, shall hereafter be composed of the counties of Dallas, Ellis, Johnson, Parker and Tarrant.

Sec. 2. The District Courts shall be held twice in each year, in said District, as follows:

In the county of Ellis, on the first Mondays in March and September, in each year, and may continue in session three weeks.

In the county of Johnson, on the fourth Mondays of March and September, and may continue in session two weeks.

In the county of Parker, on the second Monday after the fourth Mondays of March and September, and may continue in session three weeks.

In the county of Tarrant, on the fifth Monday after the fourth Monday in March and September, and may continue in session three weeks.

In the county of Dallas, on the eighth Monday after the fourth Monday of March and September, and may continue in session until the business of the term is disposed of.

Sec. 3. All writs and other process issued from the District Courts of any of the counties named in this act, after the commencement of the Spring terms of the Courts of the respective counties, for the year 1860, shall be made returnable to the terms of said Courts as established by this act. And all cases of appeal or writs of error, from the judgment of the District Courts in the District, shall be returnable to the branch of the Supreme Court at the City of Austin.

All laws and parts of laws contravening the provisions of this act, are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after the first Monday of August, A. D. 1860. And the first term of Courts, under this act, shall commence on the first Monday in March, 1861.

Approved February 9, 1860.

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## CHAPTER 61.

An Act to fix the time of holding Courts in the Nineteenth Judicial District, and to define said District.

Section 1. Be it enacted by the Legislature of the State of

Texas, That the Nineteenth Judicial District shall be composed of the counties of Bell, McLennan, Bosque, Erath, Palo Pinto, Comanche, Coryell and Hamilton.

Sec. 2. The District Court shall be held in Bell county, on the first Mondays in March and September, and may continue in session two weeks.

In the county of McLennan, on the third Mondays after the first Mondays in March and September, and may continue in session three weeks.

In the county of Bosque, on the sixth Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Erath, on the seventh Mondays after the first Mondays in March and September, and may continue in session one week.

In Palo Pinto county, on the eighth Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Comanche, on the ninth Mondays after the first Mondays in March and September, and may continue in session one week.

In Hamilton county, on the tenth Mondays after the first Mondays in March and September, and may continue in session one week.

In Coryell county, on the eleventh Mondays after the first Mondays in March and September, and may continue in session until the business of the term is disposed of.

Sec. 3. That all process issued before the passage of this act shall be returnable in like manner as if the same had been issued under this act.

Sec. 4. That all laws and parts of laws in conflict with this act, be and the same are hereby repealed; and that this act be in force from and after its passage.

Approved February 10, 1860.

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## CHAPTER 62.

An Act making an appropriation for completing the present buildings, for erecting out-houses, for enclosing a portion of the grounds, and for the organization, support, and maintenance of the Lunatic Asylum for the years 1860 and 1861.

Section 1. Be it enacted by the Legislature of the State of

Texas, That the sum of fifty thousand dollars or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated for the years 1860 and 1861, for completing the present buildings, for erecting out-houses, for enclosing a portion of the grounds, and for the organization, support and maintainance of the Lunatic Asylum for the years 1860 and 1861.

Sec. 2. That the remainder of the sum heretofore appropriated for the said Asylum be, and the same is hereby re-appropriated for carrying out the objects of this act.

Sec. 3. That the apparatus procured for heating the Capitol be applied to heating the Asylum, if found practicable for that purpose.

Sec. 4. That the dues and revenues of the Asylum are hereby appropriated for the support and maintainance of the same.

Sec. 5. That this act take effect from and after its passage.

Approved Feb. 11, 1860.

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## CHAPTER 63.

An Act to authorize and require the Commissioner of the General Land Office to patent the surveys made by virtue of certain Peters's colony augmentation certificates.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be required to patent surveys made by virtue of the augmentation certificates issued by the County Court of the counties in Peter's colony to the colonists who married in said colony, prior to the first day of July 1848, and which was issued prior to the first day of February 1855, the same as in other cases.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved Feb. 11, 1860.

CHAPTER 64.

An Act ordering the return of certificates in Fisher & Miller's Colony.

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the passage of this act no return of field-notes to the General Land Office of surveys made in Fisher & Miller's colony shall be considered a legal return unless the field-notes are accompanied by the certificates under which the lands so surveyed or claimed, or unless such certificates are on file in the General Land Office.

Sec. 2. That in all cases where field-notes have been heretofore returned to the General Land Office without the certificates the said certificates shall be returned before the first day of September, A. D. 1860, and all surveys, the certificates for which shall not then have been returned, shall become vacant and subject to entry and survey under any other valid colony certificates.

Sec. 3. That this act shall take effect and be in force from and after its passage.

Approved 11th February, 1860.

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CHAPTER 65.

An Act regulating the time of holding Justices' courts in the counties composing the twelfth Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas, That hereafter Justices' Courts for the trial of civil causes may be held in the counties composing the twelfth Judicial District on any day of the week; all Sundays, the first day of January, the twenty-fourth day of June, the fourth and twenty-fifth days of July, the first Monday in August, the twelfth and twenty-fifth days of December, Monday, Thursday and Good Fridays excepted.

Sec. 2. That only three days' notice by service of citation shall be required to compel any defendant to appear and answer in any of said Courts, and that any continuance that may be applied for by either party, may be granted for any specified number of days less than thirty; and that the proceedings in

all other respects shall be conducted in conformity to the laws regulating Justices' Courts.

Approved February 11th, 1860.

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#### CHAPTER 66.

An Act authorizing the Comptroller of public accounts to dispose of United States Bonds.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of public accounts be, and he is hereby authorized to sell and convert into cash, the three hundred and five thousand dollars of the United States' Bonds now in the State Treasury, belonging to the General State Fund, and pay the proceeds thereof into the State Treasury to go into the General State fund: provided, the said Bonds shall not be sold at less than their par value: and that this act take effect and be in force from its passage.

Approved Feb. 11th, 1860.

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#### CHAPTER 67.

An Act concerning Factors and Commission Merchants.

Section 1. Be it enacted by the Legislature of the State of Texas, That no factor or commission merchant to whom any cotton, sugar, produce or merchandize of any kind is consigned, for sale on commission, or otherwise shall purchase the same or reserve any interest whatever therein upon the sale of the same either directly or indirectly in his own name, or in the name or through the instrumentality of another for his own benefit or for the benefit of another, or as factor or agent of any other person, without express license from the owner or consignor of such cotton, sugar, produce or other merchandize, or some person authorized by him, given in writing so to do, under a penalty of a forfeiture of one-half the value of cotton, sugar, produce or other merchandize so purchased or sold, to be recovered by the owner of the same by suit before any court of competent

jurisdiction in the county where the sale took place or wherein the offending party resides.

Sec. 2. Upon the sale of any cotton, sugar, produce or merchandize consigned for sale to any factor or commission merchant, it shall be his duty within a reasonable time thereafter to render to the owner or consignor thereof, a complete account of sales thereof, which shall state the date of the sale, the nature of the purchase, the terms of the sale, and if cotton, sugar or other produce sold by weight, the weight of the same in gross, and the tare allowed, and be accompanied by the certificate or memorandum signed by the weigher who weighed the same, of the weight and conditions as required by law, under the penalty of not more than five hundred nor less than one hundred dollars to be recovered as in the preceding section.

Sec. 3. No commission merchant or factor shall be permitted to make any charge for mending a patching or roping bales, or for cooperage or repairing bales, or for labor, or hauling, or cartage, or for storage, for marking, or weighing, unless the same has been actually done; and in case of any such charge, a bill of particulars shall be rendered. Any usage or custom to make such charge by rate or average to the contrary notwithstanding; and the person offending against the provisions of this section shall be liable to a penalty of not more than five hundred dollars, nor less than one hundred dollars, to be recovered by the owner or consignor as in the preceding section.

Approved 11th February, 1860.

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## CHAPTER 68.

An Act to change the time of holding the District Court in the Ninth Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas, That the District Courts of the ninth Judicial District shall hereafter be held as follows:

The District Court of Houston county shall be held on the third Mondays of February and August, and may continue in session three weeks. The District Court of Cherokee county shall be held on the third Monday after the third Mondays in February and August and may continue in session four weeks. The District Court of Anderson county shall be held



on the seventh Monday after the third Mondays in February and August and may continue in session four weeks. In Henderson county on the eleventh Monday after the third Mondays in February and August and may continue in session two weeks. In Kaufman county, on the thirteenth Monday after the third Mondays in February and August and may continue in session two weeks. In Van Zandt county on the fifteenth Monday after the third Mondays in February and August and may continue in session two weeks; and in Smith county on the seventeenth Monday after the third Mondays in February and August, and may continue in session until the business is disposed of; and all writs and other process of every description pertaining to said courts, shall be returned in accordance with the provisions of this act.

Sec. 2. That all laws and parts of laws in conflict with this act be, and the same are hereby repealed, and that this act take effect and be in force from and after the first day of May next.

Approved Feb. 11, 1860.

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#### CHAPTER 69.

An Act to repeal "an act supplemental to an act entitled an act to change the times of holding the District Courts in the tenth and fourteenth Judicial Districts," approved February 12th, 1858, and to amend the second section of "an act to change the time of holding the District Courts in the tenth and fourteenth Judicial Districts," passed July 24th, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That section second of "an act to change the time of holding the District Courts in the tenth and fourteenth Judicial Districts," passed July 24th, 1856, be so amended as to read as follows:

That the Districts Courts shall be held twice a year in each of the counties composing the fourteenth Judicial District as follows, to-wit:

In the county of San Patricio on the first Mondays in April and October, and may continue in session one week.

In the county of Live Oak on the first Mondays after the first Mondays in April and October, and may continue in session one week.

In the county of Karnes on the second Mondays after the first Mondays in April and October and may continue in session two weeks.

In the county of Goliad on the fourth Mondays after the first Mondays in April and October and may continue in session two weeks.

In the county of Refugio on the sixth Mondays after the first Mondays in April and October, and may continue in session two weeks.

In the county of Bee on the eighth Mondays after the first Mondays in April and October and may continue in session one week.

In the county of Nueces on the ninth Mondays after the first Mondays in April and October, and may continue in session until the business is disposed of.

Sec. 2. That "an act supplemental to an act entitled an act to change the time of holding the District Courts in the tenth and fourteenth Judicial Districts," approved February 12th, 1858, be, and the same is hereby repealed.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved Feb. 11, 1860.

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CHATER 70.

An Act to attach the county of Blanco to the fourth Judicial District, and to amend the act, entitled "an act to provide for the time of holding the courts of the several counties in the fourth Judicial District," approved 2nd Feb., 1858.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county of Blanco be, and is hereby attached to the fourth Judicial District, and that the first section of the above recited act be amended so as hereafter to read as follows, to-wit:

The District Court of Bexar county shall begin on the first Mondays of March and September, and may continue in session seven weeks.

In the county of Comal on the eighth Mondays after the first

Mondays of March and September, and may continue in session one week.

In the county of Blanco on the ninth Mondays after the first Mondays of March and September, and may continue in session one week.

In the county of Kerr on the tenth Mondays after the first Mondays of March and September, and may continue in session one week; and in the county of Gillespie on the eleventh Mondays after the first Mondays of March and September, and may continue in session two weeks.

Sec. 2. This act shall take effect and be in force from and after its passage

Approved 11th February, 1860.

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#### CHAPTER 71.

An Act to provide for the payment of supplies furnished to Capt. John Williams' company of Rangers.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of seven thousand five hundred dollars is hereby appropriated to pay for the necessary supplies furnished to Capt. John Williams' company of Rangers.

Sec. 2. The Comptroller of public accounts shall examine and adjust the vouchers of Capt. Williams and other parties having furnished articles to said company; and before paying the same shall be satisfied that such articles were necessary, and were furnished at reasonable prices and consumed by the men entirely in the field: Provided, that the amounts for which Capt. Williams or his lieutenants have made themselves individually liable shall be paid first, and, provided, further, that no money shall be paid under the provisions of this act, unless proof is first made to the satisfaction of the Comptroller that the supplies were furnished to Capt. Williams while acting under the lawful authority or consent of the Governor and duly commissioned by him, or was lawfully in the service of the State at time the supplies were furnished.

Sec. 3. That this act take effect from and after its passage.

Approved 11th February, 1860.

CHAPTER 72.

An Act to amend the 4th, 7th, 8th, 15th, 18th and 34th sections of an act to provide for the assessment and collection of taxes, approved February 11th, 1850.

Section 1. Be it enacted by the Legislature of the State of Texas, The fourth section of said act to be so amended as hereafter to read as follows:

Section 4th. The Assessors and Collectors of the several counties of this State, shall severally prepare an assessment roll for their respective counties, in which they shall set down in separate columns, in alphabetical order, the names of the taxable inhabitants thereof, the amount and description of the property taxed, real and personal, the value thereof, and the amount of taxes due thereon; for which purpose they shall attend in each precinct in their county at least three days, to receive the assessment of the inhabitants thereof, and they shall between the first days of January and May in each and every year, make known by public advertisement, at three or more public places in each precinct, at least ten days before, of the time and place at which they will attend to receive the inventories thereof; and if any person or persons neglect or refuse to attend said appointments and render a full and complete inventory of all their property subject to taxation held in their own right, or as a trustee, guardian, executor, administrator, agent or attorney, it shall be the duty of the Assessor and Collector to visit such persons at their several places of abode, to take their assessment, if to be found, if not, to leave a written notice requiring such persons to render an inventory of their taxable property at his office prior to the first day of May thereafter; for which service he shall be entitled to a fee of one dollar, to be assessed and collected as other taxes: provided, that widows shall be exempt from the above fee.

Sec. 2. That the seventh section of said act, shall hereafter read as follows:

Sec. 7. The list required under the 1st section of this act, shall contain a description of taxable property in his or her own right, or held as guardian, executor, administrator, agent or attorney, on the first day of January of the current year, whereupon the Assessor and Collector shall and he is hereby required to administer to each person the following oath: "You do solemnly swear that the inventory rendered by you contains a full description of all your taxable property owned, or held in your own right, or as trustee, guardian, executor, administrator,

agent or attorney, (as the case may be) on the first day of January last, and that the value assessed thereon is a fair and correct market value for the same according to the best of your knowledge and belief." Said inventory and affidavit shall then be signed by the party rendering the same, and shall be attested by the Assessor and Collector: Provided, that the list of taxable property thus required to be furnished, shall not be construed so as to include the products of the soil of this State, while in the hands of the producer. It shall be the duty of each County Court in the State to revise the roll of their respective Assessors and Collectors, and when the assessment upon any property is at a lower rate in the opinion of the court than is the true value of such property, the court shall have power to correct such assessment, provided, such property is situated in the county where such revision is made, and shall not give a certificate to the Assessor and Collector until such correction is made.

Sec. 3. That the eighth section of said act shall be so amended as hereafter to read as follows:

Section 8. That each person being a resident citizen of this State owning or claiming surveyed lands situated in any other county than that in which he resides, may render the same for assessment to the Assessor and Collector of the county where he resides, in the same manner as other property, together with a full and complete description thereof, and the name of the original grantee, and its number on the abstract; and all railroad and canal companies, and colonization companies, and all persons residing beyond the limits of the State, owning or claiming surveyed lands situated in this State, may in like manner render the same for assessment to the Assessor and Collector of any county in the State: Provided, that the parties thus rendering the property, whether a resident or non-resident, shall value such land at the "average value" of the lands in the county where the same is situated, for the year next preceding such assessment, and the Comptroller shall ascertain the "average value" of the lands in each and every county of this State for the year 1859, furnish the same to each assessor of the State, and before the first day of March, in the year 1860, and for every succeeding year he shall furnish the Assessor with such "average value" for that year on or before the 1st day of January, then next ensuing, and in all cases when in consequence of any vague and imperfect rendition as to the name of the original grantee or other description of the surveyed lands so rendered, the same cannot be identified, and is declared forfeited to the

State as provided by law; the person making such imperfect description, shall be required to redeem the same as though it had not been rendered for assessment, and, further, provided, that any person desiring to give in his lands for taxation, situated in counties other than that of his residence, may make out a list or lists thereof, under oath, containing an accurate description of the same, and the name of the original grantee, and transmit it to the Assessor and Collector of the county where the land lies, and upon the receipt of all such lists, it shall be the duty of the Assessor and Collector to assess the value of such land at its actual value, which may be paid to the Comptroller or Assessor of the county where the owner resides: Provided, that nothing herein contained shall be so construed as to prevent non-residence of persons who own lands situated in other counties than those in which they reside, from having them in for assessment in the county in which they are situated, as other citizens of such county.

Sec. 4. That the 15th section of said act be so amended as hereafter to read as follows:

Sec. 15th. Every Assessor and Collector of taxes, after he has made out and returned the assessment roll of his county, as required by law, shall proceed to collect the taxes therein mentioned, and for that purpose shall attend in each precinct in his county at the place of holding elections, at least three days between the first day of October and the first day of March, to receive the taxes from the residents thereof, for which purpose he shall make known by public advertisement at three or more public places in each precinct, at least ten days before, of the time and place at which he will attend, and if any person or persons shall neglect or refuse to attend such appointments and pay over their taxes, it shall be the duty of the Assessor and Collector to visit such person or persons at their usual place of abode, to receive the same if to be found, if not, to leave a written notice requiring such persons to pay over their taxes at his office, prior to the first day of March thereafter, for which service he shall be entitled to a fee of one dollar, to be charged against such delinquent, and collect as other taxes: Provided, that widows shall be exempt from paying this fee.

Sec. 5. That the 18th section of said act shall be so amended as hereafter to read as follows:

Section 18th. That the Assessor and Collector shall, when any property has been sold for the payment of taxes, make and execute a deed for said property, to the person or persons purchasing the same, which when recorded according to law, shall

be prima facia evidence that all the requisites of the law have been complied with in making such sale; and such deed shall also be prima facia evidence that all the pre-requisites to the exercise of the power to make said sale have been complied with: Provided, however, that the owner of such property shall have the right to redeem the same at any time within two years of the day and date of sale thereof, upon paying to the purchaser or Assessor and Collector selling the same, or his successor in office, double the amount of taxes for which the same was sold; also, double the amount of taxes paid on such property, by such purchaser under any assessment of taxes made subsequent to such purchase together with the costs of sale: Provided, that the owner of any property redeeming the same from the purchaser at tax sale, shall not only pay double the taxes for which the property was originally sold, but also double the taxes paid on said land, by such purchaser subsequent to his purchase under an assessment of the actual value of such land, and, provided, that in case proof is made that the taxes upon the land mentioned in such deed were paid before the sale took place, or that the law has not been complied with either in the assessment or sale, then such deed shall not be construed to have any force or effect.

Sec. 6. That this act shall take effect and be in force from and after its passage.

Approved February 11, 1860.

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## CHAPTER 73.

An Act supplemental to and amendatory of an act entitled "an act to establish a code of criminal procedure for the State of Texas."

Article 1. Be it enacted by the Legislature of the State of Texas, That the following articles of the above recited act, commonly known as the Code of Criminal Procedure are hereby so amended as that the same shall hereafter read as follows, that is to say:

## INTRODUCTORY TITLE.

### CHAPTER 2.

#### Peace Officers.

Article 35a. If any Sheriff or other officer shall wilfully refuse or fail from neglect to execute any summons, subpoena or other attachment for a witness or any other legal process, which it is made his duty by law to execute, he shall be liable to a fine for contempt in a sum not less than ten nor more than two hundred dollars, at the discretion of the court, having cognizance of the same, and the payment of said fine shall be enforced in the same manner as fines for contempt in civil cases.

### TITLE 4.

#### CHAPTER 2.

#### Of the duties privileges and powers of the Grand Jury.

Article 380 shall hereafter read as follows:

If the Grand Jury shall have reason to believe that a witness will fail to obey the written summons authorized to be issued by the preceding article, or if the Grand Jury shall deem it expedient that an attachment issue for a witness before any written summons shall have been issued, it shall be the duty of the foreman of said Grand Jury to file an application with the clerk of the District Court for an attachment for such witness, and thereupon it shall be the duty of such clerk to issue an attachment, which shall authorize the sheriff or bailiff to arrest the witness and take him before the Grand Jury.

#### CHAPTER 4.

#### Proceedings preliminary to trial

Article 437 shall hereafter read as follows:

Where the witness resides out of the county in which the prosecution is pending, the defendant shall be entitled, on application to the court, if it be in session, or to the clerk in vacation, for an attachment to compel the attendance of such witness. Such application shall be in writing under oath, and state the name of the witness, the county of his residence, and that the



testimony of the witness is material to the defence, the State shall also be entitled to attachments under the provisions of this article upon the written application of the District Attorney, which shall contain the same requisites as required of the defendant under this article.

Article 437a. If the attachment authorized to be issued by the preceding article is made returnable forthwith, it shall be the duty of the Sheriff or other officer to whom the attachment is issued, to arrest such witness and take him before the court, from which the attachment issued, but if said attachment is made returnable to the next succeeding term of the court, it shall be the duty of such sheriff or other officer to arrest said witness, and place him in the custody of the Sheriff of the county in which the prosecution is pending, whose duty it shall be to keep him in custody until the next term of the District Court; Provided, that said witness shall be discharged from the custody of the Sheriff at any time, or entering into bond with one or more good and sufficient sureties, in a sum of not less than two hundred dollars, payable to the State of Texas, and conditioned that he will appear and testify in the case in which said attachment issued, which bond shall be approved by such Sheriff or other officer and by him returned with the attachment to the clerk of the District Court of the county in which the prosecution is pending.

Article 437. When a witness has given bail for his appearance, as required in the preceding article, his bond may be enforced against him and sureties, in the manner pointed out in Articles 407, 408, 409 and 410, for recovery upon the recognizance or bail bond of the defendant.

#### Of change of Venue.

Article 527a. If a Judge of the District Court shall be disqualified for sitting in any case for either of the causes mentioned in the 14th section of the 4th article of the State Constitution, and the District Attorney and the defendant shall fail to appoint by consent, a proper person to try said case, it shall be the duty of such Judge, at the suggestion of the District Attorney or the defendant, to grant an order for a change of venue of the cause to the nearest county out of his district, and free from the like objection.

Article 662. Shall hereafter read as follows:

The confession shall not be used if at the time it was made, the defendant was in jail or other place of confinement, nor while

he is in custody of an officer, unless such confession be made in the voluntary statement of the accused, taken before an examining court in accordance with law or be made voluntarily after having been first cautioned that it may be used against him, or unless in connexion with such confession he make statement of facts or of circumstances, that are found to be true, which conduce to establish his guilt, such as the finding of secreted or stolen property, or instruments with which he states the offence was committed.

PART 4.

TITLE 8.

Of Reports relative to crime.

Article 947 shall hereafter read as follows:

The Attorney General shall, on the first day of September of each year on which the regular sessions of the Legislature are held, communicate to the Governor of the State, all the information which he has received from the district clerks under the provisions of articles 944 and 946, with such suggestions thereon as he may deem useful respecting the penal laws of the State, and the enforcement of the same.

PART 5.

TITLE 2.

Of costs paid by the State.

Article 955 shall hereafter read as follows:

The fees allowed to the Attorney General shall be audited and paid by officers of the State Treasury, upon the certificate of the Chief Justice of the Supreme Court or of the clerk of said court. The fees allowed the clerk of the Supreme Court shall be audited and paid by the officers of the State Treasury, upon the certificate of the Chief Justice of the Supreme Court, and the fees allowed Sheriffs and clerks of the District Court, shall be audited and paid by the officers of the State Treasury, upon the certificate of the Judge of the court trying the cause, attached to the bill of costs.

## TITLE 3.

Article 962 shall hereafter read as follows:

At each term of the District Court of his county, the Sheriff may present to the District Judge presiding, his accounts for the keeping of prisoners and maintaining guards since the last term of the courts, and his accounts for the keeping and maintaining prisoners brought from other counties for safe keeping shall be kept separate, and also for all expenses incurred by him for food and lodging of jurors in cases of trials for felony during the term at which his account is presented, which account shall be verified by the oath of the Sheriff.

Article 964 shall hereafter read as follows:

The District Judge shall give to the Sheriff a draft upon the County Treasurer for the amount of each account allowed, not including those allowed for prisoners brought from other counties for safe keeping by him, and the same, when presented to the County Treasurer, shall be paid out of any money in his hands, and he shall also give the said Sheriff a draft for the amount of each account allowed by him, on account of any prisoner brought from another county for safe keeping, on the County Treasurer of the county from which such prisoner may have been brought, and the same, when presented to the Treasurer of such last county, shall be paid out of any money in his hands.

## TITLE 4.

## CHAPTER 1.

Article 973a. That a jury tax of five dollars shall be charged and allowed in the bill of costs, in all cases when the defendant is convicted, for the use of the county.

## CHAPTER 2.

Art. 974a. In all trials before Justices of the Peace, Mayors or Recorders for misdemeanors, if the accused shall not be convicted, the person making the complaint may be adjudged to pay the costs of the proceeding, in case the officer before whom the case is tried shall be satisfied that the complaint was without foundation in fact.

FINAL TITLE.

Section 1. That this act take effect from and after the first day of July, A. D. 1860, excepting article 955, of part 5, title 2, which shall take effect and be in force from and after the passage of this act.

Approved February 11, 1860.

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CHAPTER 74.

An Act supplementary to and amendatory of an act entitled an act to adopt and establish a Penal Code for the State of Texas.

Article 1. Be it enacted by the Legislature of the State of Texas, That the following chapters and articles of the act above recited, commonly known as the Penal Code, be and they are hereby so amended so as that the same shall read as follows, that is to say:

TITLE 10.

CHAPTER 2.

Of Bribery.

Art. 310a. If any person shall bribe or offer to bribe any witness in any case, either civil or criminal, to disobey a supœna or other legal process, or to avoid the services of the same by secreting himself or by any other means, he shall be punished by confinement in the penitentiary not less than two nor more than five years.

Art 310b. If any witness in any case, civil or criminal, shall accept a bribe offered for the purpose or purposes mentioned in the next preceding article, he shall be punished by imprisonment in the penitentiary not less than two nor more than five years.

## CHAPTER 3.

## Offences relating to the arrest and custody of prisoners.

Article 318 shall hereafter read as follows:

Any Sheriff or other officer who wilfully refuses or fails from neglect, to execute any lawful process in his hands requiring the arrest of a person accused of a felony, whereby such person escapes, or wilfully refuses to receive in a jail under his charge, or to receive into his custody any person lawfully committed to such jail and ordered to be confined therein on an accusation of felony, or lawfully committed to his custody on such accusation, shall be fined not exceeding two thousand dollars.

Article 319 shall hereafter read as follows:

Any Sheriff or other officer who wilfully refuses or fails from neglect, to execute any lawful process in his hands, requiring the arrest of person accused of a misdemeanor, whereby the accused escapes, or who wilfully refuses to receive into a jail under his charge, or to receive in his custody any person lawfully committed to such jail on an accusation of misdemeanor, or lawfully committed to his custody on such accusation, shall be punished by fine not exceeding five hundred dollars.

## TITLE 12.

## Offences against public morals, decency and chastity.

## CHAPTER 2.

## Of incest and adultery.

Article 389 shall hereafter read as follows:

No man shall marry his mother, his sister, his father's sister or half sister, his mother's sister or half sister, his daughter, the daughter of his brother or sister, or of his half brother or sister, the daughter of his son or daughter, his father's widow, his son's widow, his wife's daughter, the daughter of his wife's son or daughter.

CHAPTER 6.

Of the crime against nature.

Art. 399c. If any person shall commit with mankind or beast the abominable and detestable crime against nature, he shall be deemed guilty of sodomy, and on conviction thereof, he shall be punished by confinement in the penitentiary for not less than five nor more than fifteen years.

Art. 399d. If any person shall obstruct or injure, or cause to be obstructed or injured, any public road or highway, or common street or alley in any incorporated city or town, or any public bridge or causeway, or shall continue such obstruction, so as to render the same inconvenient or dangerous to pass, or shall erect or establish any offensive trade or manufacture or business, or continue the same after it has been erected or established, or shall in anywise pollute, or obstruct any water course, lake, pond, marsh or common sewer, or continue such obstruction or pollution so as to render the same unwholesome or offensive to the county, city, town or neighborhood thereabouts, or shall do any other act or thing that would be deemed and held to be a nuisance at common law, shall be guilty of a misdemeanor, and on conviction by indictment, fined in any sum not exceeding five hundred dollars; and upon conviction, the judge trying the case shall order the Sheriff to abate such nuisance at the expense of the defendant, to be taxed in the bill of costs: Provided, that no person shall be punished under this article, who places obstructions in the streets or alleys of incorporated cities or towns for purposes of improvement by permission of the corporate authorities of such city or town.

Art. 409a. If any free white person or persons shall play at any game with cards, or at any other game or games of chance with a slave or slaves, or a free person of color, he or they shall be fined not less than twenty nor more than one hundred dollars, or imprisonment in the county jail not more than three months, at the discretion of the jury.

TITLE 13.

CHAPTER 4.

Gaming.

Article 410 shall hereafter read as follows:

All houses commonly known as public, and all gaming houses

are included within the meaning of the preceding article. Any room attached to such public house and commonly used for gaming, is also included, whether the same be kept closed or open. A private room of an inn or tavern is not within the meaning of public places, unless such room is commonly used for gaming; nor is a private business office or a private residence to be construed as within the meaning of a public house or place; Provided, said private residence shall not be a house for retailing spiritous liquors.

Article 411 shall hereafter read as follows:

Upon the trial of any person accused of offending against the two preceding articles, either in the District Court or Justice's, or Mayor's Court, it shall not be necessary to prove that any money or article of value, or the representative of either, was bet at such game. The offence is complete without such proof.

#### TITLE 14.

##### CHAPTER 2.

#### Sale of unwholesome food, drink, or medicine.

Article 426a. If any person shall sell any spiritous, vinous or malt liquor intended for drink, knowing the same to be adulterated with any substance or liquid injurious to health, he shall be punished by fine not less than fifty nor more than five hundred dollars.

#### TITLE 15.

##### CHAPTER 2.

#### Of Ferries.

Article 430a. If any person or firm shall keep any ferry over any water course navigable stream, lake or bay in this State, and shall charge or receive any money, property or other valuable thing for crossing passengers or property at such ferry, without first obtaining license is now or as may be hereafter required by law, such person or firm shall be deemed guilty of a misdemeanor, and shall be punished by fine not less than fifty nor more than two hundred dollars.

TITLE 19.

CHAPTER 1.

Exciting insurrection or insubordination.

Article 653 shall hereafter read as follows:

Any person who shall in the presence or hearing of any slave, utter words calculated and with the intent to render such slave discontented with his state of slavery, or who shall by words or writing addressed to a slave, endeavor to render said slave discontented with his state of slavery, shall be punished by confinement in the penitentiary not less than two nor more than five years.

Article 653b. Any free person who shall publicly maintain that masters have not right of property in their slaves, either by speaking, writing or printing, shall be punished by confinement in the penitentiary not less than two nor more than four years.

Art. 653b. Any free person who shall privately or otherwise than publicly maintain that masters have not right of property in their slaves, with purpose to bring the institution of slavery (African) into dispute in the mind of any free inhabitant of this State, or of any resident for the time being therein, shall be punished by confinement in the penitentiary not less than two nor more than five years.

Art. 653c. If any free person shall write, print, publish or cause to be written, printed or published, any printing, picture, book or other writing, inculcating resistance to the right of property of masters in their slaves, or calculated to produce in slaves a spirit of insubordination with the intent to advise or incite negroes in this State, to rebel or to make insurrection, or if he shall, with the intent to give effect to the tendency or to aid the purpose of any such book, writing or publication, knowingly circulate the same, he shall be punished by confinement in the penitentiary not less than two nor more than seven years.

Art. 653d. If any postmaster or deputy postmaster know that any such book, writing or publication as is described in the preceding article, has been received at his office through the mail, and shall have reason to believe that the same is intended to be used in violation of the provisions of said preceding article, it shall be his duty to give notice thereof, before the same is delivered to some Justice of the Peace or magistrate, whose duty it shall be to examine into the character and tendencies of said book,



writing or publication, and the purpose for which the same is intended to be used by the persons to whom it is directed, and if upon such examination he shall conclude that said book, writing or publication is such as is described in the preceding article, and intended to be used in violation of the provisions of said article, it shall be his duty to cause said book, writing or publication to be burned in his presence.

Art. 653e. If any person shall subscribe for any, book, writing or publication, such as is described in article 653c of this chapter, and with the intent to use the same in violation of the provisions of said article, he shall be fined in a sum not exceeding five hundred dollars, or imprisonment in the county jail for a term not exceeding six months, or both, at the discretion of jury.

Art. 653f. If any postmaster or deputy postmaster shall violate his duty as prescribed in article 653d, he shall be deemed guilty of a misdemeanor, and shall be fined in any sum not exceeding two hundred dollars.

#### CHAPTER 5.

##### Importing slaves guilty of crime.

Article 663 shall hereafter read as follows:

If any person shall knowingly import or bring into this State a slave who shall be a fugitive from justice, or who shall have been sold for, or convicted of crime beyond the limits of this State, he shall be fined not less than one hundred dollars nor more than one thousand dollars.

#### TITLE 20.

#### CHAPTER 1.

##### Of Arson.

Article 696a. If any person shall wilfully burn any public building as enumerated and defined in article 683 of this chapter, he shall be punished by confinement in the penitentiary not less than five years nor more than fifteen years.

#### CHAPTER 6.

##### Of Burglary.

Article 737a. If any person shall attempt to commit the

crime of burglary, he shall be punished by confinement in the penitentiary not less than two years nor more than four years.

Art. 737b. An "attempt" in the sense in which the word is used in the preceding article, is an endeavor to accomplish the crime of burglary carried beyond mere preparation, but falling short of the ultimate design in any part of it.

TITLE 21.

CHAPTER 4.

Article 775c. If any person, without the consent of the owner, shall drive or cause to be driven any animal of the horse, ass or cow kind not his own property, from the premises of the owner or keeper, or its accustomed range, to a distance of more than four miles, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than twenty nor more than one hundred dollars; Provided, that nothing in this article shall be so construed as to subject any person to the penalty herein, who does not drive stock beyond the nearest pen used generally for penning stock to the place where the stock is found.

TITLE 21.

CHAPTER 4.

Issuing marriage license unlawfully.

Article 791a shall hereafter read as follows:

If any clerk of any County Court or other officer authorized by law to issue a license of marriage, shall, without the consent of the parent or guardian of the party applying, issue a marriage license to a male person under the age of twenty-one, or to a female under the age of eighteen years, he shall be punished by a fine not exceeding one thousand dollars.

Article 801a. That it shall not be lawful for any negro to preach the gospel or to exhort at any religious or other meeting, except upon the farm of his master, unless such preaching or exhortation shall be in the presence of at least two slaveholders; any violation of this article shall be deemed a petty offence, any may be inquired into by any Justice of the Peace according to

title 11, article 61, of the Code of Criminal Procedure, and upon conviction, the negro shall be punished by whipping according to the provisions of article 816 of the Penal Code.

The following articles of the Penal Code are hereby repealed: Articles 74, 170, 171, 172, 173, 174, 574 and 610. But convicts now suffering the punishment of solitary confinement for life in the penitentiary, shall not, by the repeal of the articles of the Penal Code affixing such punishment and prescribing the manner thereof, be released therefrom, but shall suffer punishment in the same manner as if the said articles were not repealed; but such convict may petition the Governor for a mitigation of his punishment to hard labor for life in the penitentiary, who may grant such mitigation of the same, and such convict shall suffer punishment accordingly.

That this act take effect and be in force from and after the first day of July, A. D. 1860, excepting the foregoing repealing clause, which shall take effect and be in force from and after the passage of this act.

Passed February 11, 1860.

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#### CHAPTER 75.

An Act making appropriations for the use and support of the State Government for the years 1860 and 1861.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following sums be, and they are hereby appropriated for the use and support of the State Government for the years 1860 and 1861:

##### Executive Department.

For salary of Governor, annually.....	\$3,000—\$6,000
For salary of Gov'r's Private Secretary, ann'y.....	900—1,800
Contingent expenses, annually.....	500—1,000
Recovering fugitives from justice, annually.....	2,500—5,000
Publishing proclamations, annually.....	750—1,500

##### Department of State.

For salary of Secretary of State, annually.....	\$1,800—\$3,600
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For salary of Chief Clerk in State Department, annually .....	1,400—	2,800
Printing, annually .....	300—	600
Porter hire and wood, annually.....	100—	200
Postage, annually .....	200—	400
Contingent expenses, annually.....	100—	200
Stationery and books, annually.....	100—	200
Extra clerk hire, labor and other expenses annually.	400—	800

Comptroller's Department.

For salary of Comptroller, annually.....	\$1,800—	\$3,600
For salary of Chief Clerk, annually.....	1,400—	2,800
For salary of Chief Tax Clerk, annually.....	1,200—	2,400
For salary of Accountant Clerk, annually.....	1,200—	2,400
For salary of nine assistant clerks, each annually...	900—	16,200
Contingent fund, annually.....	300—	600
Book and stationery, annually.....	300—	600
Printing, annually .....	250—	500
Postage, annually .....	200—	400
Blank assessment rolls, annually.....	600—	1,200
Fire wood for Comptroller's and Treasury building, annually ....	200—	400
Porter hire, annually.....	250—	500

Treasurer's Office.

For salary of Treasurer, annually.....	\$1,800—	\$3,600
For salary of Chief Clerk, annually.....	1,200—	2,400
Contingent fund, annually.....	200—	400

Court of Claims.

For salary of Commissioner of Claims, annually....	\$2,000—	\$4,000
For salary of Chief Clerk, annually.....	1,200—	2400
Contingent expenses, including books, stationery, postage, fire wood, porter hire, printing and all other expenses, annually.....	400—	800

## Geological Bureau.

For salary of Geologist, annually.....	\$3,000—\$6,000
For salary of two assistants, each, annually.....	1,500— 3,000
Expenses, surveys, chemicals, traveling and other expenses, annually .....	4,000— 8,000

## Pensions.

To Juana Navarro Alsbury, annually.....	\$100—\$200
To Thomas Barnett, annually.....	100— 200
To David Cole, annually.....	100— 200
To James M. Day, annually.....	100— 200
To Rolla M. Davis, annually.....	100— 200
To James W. Nichols, annually.....	100— 200
To Thomas Norris, annually.....	100— 200
To J. B. Thacker, annually.....	100— 200
To David Webb, annually.....	100— 200
To H. M. Smith, annually.....	250— 500
To Charles Shepard, annually.....	125— 250
To Joseph E. Field, annually.....	200— 400
To Widow of Henry Tierwester, annually.....	100— 200
To William H. Anderson, annually.....	100— 200

## Boundary Survey.

For pay of Commissioners and Officers for running boundary line between the State of Texas and the United States, \$15,000 or so much thereof as may be necessary..\$15,000

## Penitentiary.

For salary of Superintendent of the Penitentiary, annually .....	\$1,500—\$3,000
Salary Financial Agent, annually.....	1,500— 3,000
Salary three Directors, each, annually.....	250— 1,500
Salary Chaplain, annually.....	250— 500
Salary attending Physician, annually.....	500— 1,000
Stationery, postage and printing, annually.....	150— 300

Judicial Department.

For salary of three Judges of Supreme Court, each, annually . . . . .	\$3,000—\$18,000	
For salary of three Librarians, each, annually . . . . .	300—	1,800
Contingent fund, three branches Supreme Court, annually . . . . .	1,500—	3,000
Pay of Sheriffs for attending Supreme Court at \$3 per day for each day of the terms for three branches (say 203 days,) annually . . . . .	609—	1,218
Porter hire same length of time, \$1 per day, 203, annually . . . . .	203—	406
For purchase of books for use of Supreme Court Libraries, to be expended under direction of the court, for two years . . . . .	750—	1,500
For publishing reports annually . . . . .	7,000—	14,000
For publishing 21st volume reports . . . . .		3,500
For fees of clerk of Supreme Court, annually . . . . .	150—	300

Attorney General's Office.

For salary of Attorney General, annually . . . . .	\$1,800—\$3,600	
Contingent fund, annually . . . . .	100—	200
Attorney's fees in appeals in cases of felony, annually . . . . .	250—	500

District Courts.

For salary of twenty District Judges, annually . . . . .	\$45,000—\$90,000	
For salary of twenty Attorneys, annually . . . . .	10,000—	20,000
For Clerk's, Sheriff's and Attorney's fees, annually . . . . .	5,000—	10,000

General Land Office.

For salary of Commissioner, annually . . . . .	\$2,000—\$4,000	
For salary of Chief Clerk, annually . . . . .	1,400—	2,800
For salary of Translator, annually . . . . .	1,200—	2,400
For salary of Receiver, annually . . . . .	1,200—	2,400
For salary of Chief Draftsman, annually . . . . .	1,200—	2,400

For salary of three Assistant Draftsmen, each, annually . . . . .	1,100— 6,600
For six 2nd Assistant Draftsmen, each, annually..	1,000—12,000
For salary of 23 Assistant Clerks, each, annually..	900—41,400
Stationery, annually . . . . .	1,000— 2,000
Contingent fund, annually.....	300— 600
Postage, annually . . . . .	400— 800
Fire wood, annually . . . . .	250— 500
Printing, annually . . . . .	100— 200
Porter hire, annually . . . . .	250— 500

## Deaf and Dumb Asylum.

For salary of Superintendent and all other expenses, annually . . . . .	\$9,000—\$18,000
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## Blind Asylum.

For salaries and all other expenditures, annually..	\$5,500—\$11,000
Indemnity to owners of slaves executed, annually..	4,000— 8,000
Printing laws and journals of 8th Legislature....	12,000
For printing reports of Government officers..	\$3,859,74—\$3,859,74
For distributing laws and journals of present session of the Legislature, and reports Supreme Court . . . . .	2,000

Sec. 2. That the Comptroller shall not draw his warrant upon the Treasurer for any amount herein appropriated for contingent expenses of any of the Departments of the Government, except upon sufficient vouchers. And that this act take effect and be in force from and after its passage.

Approved February 11th, 1860.

## CHAPTER 76

## An Act to create the county of Wilson.

Section 1. Be it enacted by the Legislature of the State of

Texas, That all the territory comprised within the following limits shall be created into a new county to be called Wilson,—beginning on the west bank of the Cibolo, at the mouth of the Martinez creek, thence on a straight line to the north east corner of Atascosa county line, hence south  $39^{\circ}$  east with Atascosa line to the north-west corner of Karnes county; thence same course continued four and three quarter miles along the said Karnes county line; thence north  $51^{\circ}$  east to the south-west boundary line, of Gonzalescounty; thence north  $39^{\circ}$  west with Gonzales county line to the south-east boundary line of Guadalupe county; thence south with said line to the Cibolo; thence up the Cibolo with its meanders to the place of beginning.

Sec. 2. That Dr. G. J. Houston be, and he is hereby appointed a Commissioner to organize said new county, and it is hereby made his duty to do the same by ordering an election for county officers according to the general laws regulating elections, said election to be held on a day by him to be named and due notice of the same to be given in accordance with the laws regulating elections, the said election to be held at a point or points within the limits of said county, to be by the said Houston named and duly published in said county, and when the returns of said election shall have been made to the said Houston, he shall issue certificates of election to the persons elected, and shall administer the oath of office to them in due form: provided, that in case of the failure to act of said Houston, it shall be lawful for the Chief Justice of Bexar county to perform the duties herein required of him.

Sec. 3. That so soon as the said county of Wilson has been organized as aforesaid, and the officers of the same qualified, according to law, they shall enter upon the discharge of their respective offices, and all courts in and for said county shall be held at Sutherland Spring until the county seat of said county shall be permanently located as hereinafter provided.

Sec. 4. It shall be the duty of the Court of Wilson county to ascertain by means of a plat and certificate from the General Land Office, under the seal of the same duly authenticated, the center of said new county, and select two or more sites nearest the center of said new county, having respect for any donation of land, that may be made for that purpose, as well as convenience of water, and when so selected the Chief Justice of said county shall order an election to fix said county seat, which shall be conducted according to the general laws respecting elections for county officers, and if at the first election neither of the sites so selected shall receive a majority of all the votes cast,



then the Chief Justice shall order another election to be held for the two sites receiving the highest number of votes, and the site receiving a majority of all the votes cast, at any such election, shall be declared the county seat, and the County Court shall designate the name of the same.

Sec. 5. The County Court of Wilson County may purchase, if necessary, or receive by donation land not exceeding three hundred and twenty acres for the use of the county, and shall lay off the site so selected into suitable lots, and after selecting and setting apart such suitable lots, as may be necessary for a court-house, jail, clerk's offices, school-houses and burying grounds, they shall proceed to sell the remainder or such portion thereof as they may deem necessary at public auction, at such time and upon such terms as will most conduce to the interest of the county, and shall apply the proceeds thereof to the erection of necessary public buildings for the use of the county.

Sec. 6. That the Commissioner above named shall be entitled to three dollars per diem for every day that he is necessarily employed or detained in holding said election and organizing said county of Wilson.

Sec. 7. That this act take effect from and after its passage.

Approved Feb. 13, 1860.

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## CHAPTER 77.

An Act requiring the paymaster for the State troops on the Rio Grande, to receive pay for arms and other necessary articles furnished by individuals to said troops.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of the State be, and he is hereby directed to require of the paymaster, or other agent appointed to pay the troops of the State, ordered by the Governor to service on the Rio Grande, to deduct from the pay of said officers and men, the amount due to citizens and merchants for the purchase of fire-arms and other necessary articles by said officers and men, the payment of which is not made by the State and that the said paymaster is hereby required to pay the said amounts over to the party or parties, or their agents, to whom the said amounts may be due.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved 13th February, 1860.

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CHAPTER 78.

An Act to ascertain and adjudicate certain legal claims for land against the State, situated between the Nueces and Rio Grande Rivers.

Section 1. Be it enacted by the Legislature of the State of Texas, That any person who may be the original grantee, heirs or legal assign, of any grant of land emanating from the Spanish or Mexican government, and having its origin previous to the nineteenth day of December, A. D., 1836, and situated between the Nueces and Rio Grande rivers, and below a line drawn from the upper boundary of Webb county to the mouth of the Moros creek emptying into the Nueces river, may file his petition in the District Court of the county in which said land may be situated, which petition shall be filed at least ten days before the time for holding of said District Court, and shall contain a full description of the land claimed, setting forth particularly, its situation, boundaries and extent, and shall accompany such petition with the titles or evidences of titles or right under which the same is held or claimed; and the said District Courts shall investigate the same in accordance with the laws of nations, the laws, usages and customs of the government from which the claim is derived, and the principles of equity, so far as the same are applicable, and shall give judgment for the confirmation of the same when the title is perfect, or when imperfect, when the same would have been matured into a perfect title under the laws, usages and customs of the government under which it originated had its sovereignty over the same not passed to, and been vested in the Republic of Texas: provided, said title or said imperfect title or right was originally founded in good faith: and, provided, that no service of such petition shall be necessary.

Sec. 2. That each of said claimants shall, at the time of filing said claim, accompany the same with an affidavit, made before some competent officer, that the title or evidence of title of the claim submitted for investigation is not forged nor antedated, but that the same is genuine, and that he is the true and

lawful owner or part owner thereof, and that all the facts set forth in his petition are true to the best of his knowledge and belief, and any claimant swearing falsely as to any of the facts herein required to be sworn to, shall be deemed guilty of perjury, and on conviction thereof, shall be punished accordingly.

Sec. 3. That it shall be the duty of the District Attorney of any District in which any such case may be tried to superintend the interests of the State in the premises, to attend the trial of any such causes, and to file cross-interrogatories when depositions shall be taken.

Sec. 4. That the clerks of the District Courts shall be, and they are hereby authorized and required, on application of the District Attorney, or of any claimant or his counsel, to issue writs of subpoena, commanding the attendance of a witness or witnesses before said District Courts, to give testimony in the cause to be tried.

Sec. 5. That any claimant under this act shall pay all costs of court expended in his behalf, and shall in addition, be taxed a fee of twenty-five dollars, which fee shall, by order of the Court, be paid to the District Attorney representing the interest of the State in such case.

Sec. 6. That the District Court shall, without the intervention of a jury, proceed to render judgment upon the pleadings and evidence in any such case, and shall, on application of either party, grant an appeal to the Supreme Court, upon the same terms and conditions and requirements as appeals are granted in other cases.

Sec. 7. That when the judgment of the Court shall be given in favor of the claimant of any perfect grant, no other fee or costs shall be taxed, except such as is provided for in section fifth of this act, but in any case in which judgment shall be given in favor of the claimant under an imperfect grant, the Court shall condemn the claimant to the payment of such amount as the claimant would have had to pay, had not the sovereignty of the soil changed, in addition to the costs taxed by section fifth of this act, and it shall be the duty of the clerk of the District Court to enter the judgment of the Court in full on the docket, which shall show the amount to be paid by each claimant.

Sec. 8. That no confirmation under this act shall be construed to confirm title to any salt springs or lakes, or mines of gold, silver, copper or lead, or to any island of the State.

Sec. 3. That all lands the claims to which shall be finally rejected in the manner herein provided, shall be deemed, held,

and considered as part of the public domain of the State, and for all claims finally confirmed under the provisions of this act, a patent shall issue in the name of the original grantee, his heirs and legal assigns, upon presentation to the General Land Office of an authentic certificate of such confirmation, and the field notes of the District Surveyor of the County in which the land may be situated, accompanied with the legal vouchers that the taxes on the same have been paid since the organization of such county: Provided, that the claimant shall pay to the Commissioner of the General Land Office the amount to which he may have been condemned by the Court under the latter clause of the seventh section of this act, and, further, provided, that no patent shall issue to any tract of land confirmed by virtue of this act, upon which a genuine land certificate emanating from the Republic or State of Texas has been located and surveyed according to law.

Sec. 10. That the final confirmation rendered by the Courts, or any patent issued under this act, shall be conclusive between the State and said claimants only, and shall in no way be construed to interfere with any rights which may have accrued to other parties by the location of any genuine certificate, or by any confirmation of title under the act "to relinquish the right of the State to certain lands therein named," approved February 10th, 1852, but the same shall remain without prejudice

Sec. 11. This act shall be limited to the term of three years from and after its passage.

Approved 11th February, 1860.

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## CHAPTER 79.

### An Act regulating the fees of the General Land Office.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to charge and receive for the use of the State the following fees:

For patents for six hundred and forty acres of land or less—two dollars.

For patents of tracts of over six hundred and forty acres and up to twelve hundred and eighty acres of land—three dollars.

For patents on tracts of over twelve hundred and eighty acres and up to two-thirds of a league of land—five dollars.

For patents on tracts of over two-thirds of a league and up to one league of land—ten dollars, and one dollar additional on every additional five labors on surveys of over one league of land.

For copies of any paper, document or record, in the Land Office, in the English language—fifteen cents per hundred words.

For certificate and seal—fifty cents.

For copy or translation of any paper, document, or record in any other than the English language—twenty-five cents per hundred words, and for certificate and seal thereto, seventy-five cents in addition.

For statements, sketches, examinations and other like work such fees as may be established by the Commissioner of the General Land Office according to the time and labor required.

Sec. 2. That all laws heretofore in force regulating the fees of the General Land Office, so far as they conflict with the provisions of this act, be and the same are hereby repealed; and this act shall take effect and be in force from and after its passage.

Approved 14th February, 1860.

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## CHAPTER 80.

An Act to repeal the second section of an approved January 17, 1860, authorizing the Commissioner of the General Land Office to issue patents on surveys heretofore made not in regular form according to law.

Section 1. Be it enacted by the Legislature of the State of Texas, That the second section of the above recited act is hereby repealed, and that this act take effect from and after its passage.

Approved February 14th, 1860.

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## CHAPTER 81.

An Act making appropriations to supply the deficiency in former appropriations and for other purposes.

Section 1. Be it enacted by the Legislature of the State of

Texas, That the following sums be, and they are hereby appropriated to supply the deficiency in former appropriations and for other purposes.

For boring Artesian well on Capitol ground and for laying off and improving Capitol square—\$3,000 annually, or so much thereof as may be necessary, to be expended under supervision of the Board of Commissioners of public grounds and buildings—six thousand dollars .....	\$ 6,000 00
For payment of Audited Scrip No. 6729, to order of Robert M. Bedford, assignee of J. B. Webb, of date December 8th, 1837—one hundred dollars.....	100 00
For pay of John M. Wyatt, Sheriff of Burleson county, for bringing Tom Middleton from Louisiana to Bastrop—seven hundred and sixty-five dollars.....	765 00
For pay of S. G. Haynie and James G. Swisher, for services as Commissioners for the erection of Capital building from June 4th, 1852, to December 4th, 1854, each,—seven hundred and fifty dollars.....	1,500 00
For pay of James Doyle, as Superintendent of the building of the Capitol, from June 4th, 1852, to December 4th, 1854—twenty-two hundred and fifty dollars .....	2,250 00
For pay of James S. Robinson, District Attorney of the 16th Judicial District, for defending the interest of the State in the suits to establish the Peter's colony certificates—two hundred and fifty dollars.....	250 00
For purchase of books for State library, fifteen hundred dollars, to be expended under direction of the Board of Commissioners of public grounds and buildings .....	1,500 00
For pay, balance due 3, 1st assistant draftsmen in General Land Office for the years 1858 and 1859—two hundred dollars each .....	600 00
For translating and printing such laws as the Governor may direct, in the German and Spanish languages—twenty-five hundred dollars .....	2,500 00
For James McGee public debt.....	27 37
“ E. B. Scarborough, publishing act for boring Artesian well, and proposals for boring the same....	89 00
For Barnard and Kinney, publishing act, for bor-	

ing Artesian well, and publishing proposals for boring the same .....	89 00
For Oldham & White, Attorneys-at-law, defending the State in two cases, viz: Robert Rose, on Empresario contract of Joseph Vehlin and Rob't Rose in behalf of Lorenzo de Zavalla—Five hundred dollars in each case .....	1,000 00
For Jonathan Anderson and M. V. Lout, expenses..	152 00
For E. A. Stevens, carrying express by order of the Governor .....	50 00
For W. A. Pitts, as clerk of Board of School Commissioners from 17th March to 17th December, 1859, to come out of special school fund.....	225 00
For James O. Illingsworth, assistant clerk of Court of Claims from 16th April to 16th June, 1859—seventy-five dollars per month .....	150 00
For J. W. Vickery, balance for distributing laws.....	56 00
For Robert Barr, as Secretary of Board of School Commissioners from 21st March, 1857, to 16th August, 1858, and to the same party \$50 sundry services, in all to come out of the special school fund.....	521 67
For E. B. Scarborough, balance due on printing laws in Spanish .....	127 60
For John Hearn, expenses keeping criminals.....	25 50
For taking scholastic census for 1860 and 1861, annually—\$6,000 00, to come out of school fund distributable to the counties, and the six thousand dollars heretofore appropriated for scholastic census for 1859, to be paid out of such fund.....	12,000 00
For purchase of stationery and wood for next Legislature—fifteen hundred dollars.....	1,500 00
For Baker & Root, for publishing act in relation to Artesian well, and for publishing proposals for boring said wells .....	46 00
For printing and compiling abstract of lands ordered by the Comptroller .....	4,000 00
For keeping public buildings and public grounds in good order, to be expended under supervision of Board of Commissioners on public grounds and buildings, one thousand dollars, annually, or so much as may be necessary .....	2,000 00
For W. S. Hotchkiss and J. Q. St. Clair, as clerks in Comptroller's office from 1st to 8th February.....	50 00

For Charles A. Russell, District Surveyor of Karnes county, for compiling map of Karnes land district..	150 00
For James H. Swindell, Surveyor, Young land district, for making a complete map of the surveys of Young land district to be paid upon the certificate of Commissioner of General Land Office, that such map has been furnished his office.....	150 00
To C. J. Garrison, sub. engineer, five hundred and thirty-five dollars, draft of date January 10th 1860, to be taken out of river fund.....	535 00
For amount to pay special agents whom the Governor may appoint to examine the contracts for clearing out the rivers, and other water improvements, one thousand dollars, to be taken out of River Improvement Fund .....	1,000 00
For John Burlage, two hundred and twenty-five dollars for indexing naval records in Court of Claims, which account was approved by Edward Clark and J. B. Shaw .....	225 00
For pay for the service and subsistence of troops received into the service of the State on the Rio Grande in the late Cortina war, or so much thereof as may be necessary .....	40,000 00
To pay John Marshall for printing biennial reports for 1859, or so much as may be necessary; provided, it is not otherwise provided for.....	3,859 75
Library fund for 1859, or so much as may be necessary ....	975 00
To pay W. F. Wells for keeping and feeding mules belonging to the Boundary Survey.....	90 00
Provided, this act shall not be construed to apply to any claim where the same shall not have been provided for by pre-existing laws.	

Sec. 2. That this act take effect from and after its passage.

Approved February 14th, 1860.

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## CHAPTER 82.

An Act authorizing unpaid warrants on the Treasury to bear interest.

Section 1. Be it enacted by the Legislature of the State of



Texas, That when an account shall hereafter be presented for any demand for which an appropriation has been made, it shall be the duty of the Comptroller to audit and allow the claim if legal, and to issue his warrant for the amount, and if there be no money in the Treasury to pay the demand, then the Comptroller shall issue his warrant upon the Treasury for the amount with ten per cent. per annum interest from date, which warrant shall be countersigned by the Governor, and shall be numbered and endorsed by the Treasurer.

Sec. 2. That it shall be the duty of the Treasurer on the first day of July A. D. 1860, and every six months thereafter, to advertise in three papers in different parts of the State, for the presentment of any such warrants as are mentioned in the first section of this act, in the order of their dates and numbers, and after the expiration of sixty days from such notice, said warrants not presented, shall cease to draw interest. Said warrants shall not circulate as money, but may be assigned.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved 14th Feb., 1860.

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### CHAPTER 83.

An Act amending the several acts regulating proceedings in the District Courts.

Section 1. Be it enacted by the Legislature of the State of Texas, That all corporations acting under a charter granted by the Legislature of this State in all suits, whether as plaintiffs or defendants, shall only be required to plead their acts of incorporation by reciting their respective captions, and in no case shall be required to set out the said act at length.

Approved Feb. 14th, 1860.

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### CHAPTER 84

An Act supplementary to an act entitled an act to reorganize the Court of Claims and extend the time for the presenta-

tion of claims for land against the Republic or State of Texas, approved February 7th, 1860.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of said court, shall upon satisfactory proof that any person has been permanently disabled by the loss of an eye, arm, or limb, or any other bodily injury which makes him incapable of bodily labor, from wounds received in the service of the Republic of Texas previous to the 18th of December, 1837, issue to such person a certificate for one league of land, as a testimony of the gratitude of this State, and that said certificates may be located and patented as in other cases: Provided, that no certificate shall be issued under the provisions of this act, unless the applicant would have been so entitled under the provisions of the act of December 18th, 1837, entitled an act making provisions for persons who have been permanently disabled in the service of the country. And further provided, that the party applying has not heretofore received this bounty.

Sec. 2. That this act take effect from and after its passage.  
Approved Feb. 14th, 1860.

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## CHAPTER 85.

An Act to prevent judgments from becoming dormant, and to create and preserve judgment liens.

Section 1. Be it enacted by the Legislature of the State of Texas, That whenever judgment shall be rendered by any court within this State, it shall be competent for said court or the clerk of said court to issue execution thereon at the instance of any party interested, and said judgment shall not become dormant unless ten years shall have elapsed between the issuance of executions on the same.

Sec. 2. That no judgment hereafter rendered shall operate as a lien until filed in the office of the county clerk of the County Court of the county where the same is rendered for registration, and it shall be the duty of the county clerk of each and every county in this State, to record all certified copies of such judgments as may be filed with him for registration, at the earliest practicable period, in the book used in said office for the record of mortgages, and to cause a regular and alphabetical index to

be made of the names of plaintiffs and defendants in said judgments, and also a reference to the page on which said judgment is recorded, and the judgment so recorded shall operate as a lien on all the real estate of the defendants, situated in the county in which the same may be rendered, and said lien, unless sooner released, shall continue in force four years without being reinscribed.

Sec. 3. That from and after the passage of this act, no Sheriff or other officer, shall sell real estate, under and by virtue of an execution without having been previously obtained from the county clerk of the county where the sale is made, a certificate stating the number and amount of judgments against the defendant in execution of record in his office, and the date of record, and which certificate he shall read aloud at the time and place of sale, and the sale of real estate so made, shall pass the same to the purchaser free from all judgment liens; but if there be judgments having a prior lien to that by virtue of which the sale is made, unless such prior lien be released by the claimant, his agent or attorney, it shall be the duty of the Sheriff or other officer making the sale, to return the execution and proceeds of sale to the first term of the court after the sale from which the execution issued, endorsing on the execution his proceedings, and he shall also connex to the execution the certificate of the clerk, of the recorded judgments, whereupon the plaintiff in execution by virtue of which sale was made, may move the court by motion entered on the motion docket, for an order of court to pay the proceeds of the sale in satisfaction of the execution by virtue of which such sale was made, and if no opposition to the motion be made within three days after said motion shall have been entered on the motion docket, the court shall grant such motion as a matter of course, but if opposition be made by any creditor holding a judgment having a prior lien, the proceeds, so far as may be necessary to extinguish such prior judgment and lien, shall be applied to the payment of the same, unless opposition be made thereto upon the ground that such prior judgment was fraudulent and collusive, or that the same since rendered, has been paid and satisfied in whole or in part, whereupon the court shall proceed to decide according to the right of the case: Provided, however, that if any person should claim the proceeds of any sale so made by virtue of any judgment proved to have been fraudulent or collusive in its incipency or to have been satisfied in whole or in part, such person shall be adjudged to pay twenty per cent. damages upon the amount wrongfully claimed.

Sec. 4. That any judgment creditor may preserve his lien by causing his judgment to be re-inscribed or recorded as herein provided, at any time before the lien expires, and any county clerk refusing or neglecting to discharge the duties herein required, shall be responsible in damages for such refusal or neglect, and he shall be allowed to charge as for recording other installments and certificates.

Approved 14th Feb., 1860.

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CHAPTER 86.

An Act making an appropriation for the contingent expenses of the 8th Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of five thousand dollars is hereby appropriated out of the appropriation heretofore made for the mileage and per diem pay of the members and officers of the present Legislature, or so much thereof as may be necessary, as an additional contingent fund to defray the expenses of the present Legislature.

This act to take effect and be in force from and after its passage.

Approved Feb. 14th, 1860.

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CHAPTER 87.

An Act attaching certain unorganized counties to organized counties therein named for Judicial and other purposes until organized.

Section 1. Be it enacted by the Legislature of the State of Texas, That the territories comprising the unorganized counties named in this act until organized by the laws creating said counties, shall be considered attached, and part and portion of such organized counties as hereinafter named for all judicial purposes whatsoever, and the county and District Courts of said organized counties shall have full and entire jurisdiction over such unor-

ganized counties until properly organized themselves.

Sec. 2. For such purposes the counties of Coleman and Runnels, shall be attached to the county of Brown, and when the county of Coleman is organized, the county of Runnels shall be attached to the said county of Coleman.

Sec. 3. The counties of Eastland, Callahan and Taylor, shall be attached to the county of Comanche, and when the county of Eastland is organized, the counties of Callahan and Taylor shall belong to the county of Eastland.

Sec. 4. The counties of Buchanan, Shackelford and Jones, shall be attached to the county of Palo Pinto, and when the county of Buchanan is organized, the counties of Shackelford and Jones shall belong to the county of Buchanan.

Sec. 5. The counties of Throckmorton, Haskell, Knox, Baylor and Archer, shall be attached to the county of Young, and when Throckmorton is organized, the counties of Haskell, Knox and Baylor, shall belong to the county of Throckmorton.

Sec. 6. The counties of Clay, Wichita, Willbarger, Hardeman and Greer, shall be attached to the county of Montague, and when the county of Clay is organized, the counties of Wichita, Willbarger, Hardeman and Greer shall belong to the county of Clay.

Sec. 7. The counties of McCulloch and Concho, shall be attached to the county of San Saba, and when the county of McCulloch shall be organized, then the county of Concho shall be attached to the county of McCulloch. The county of Menard to the county of Mason; the county of Kimble to the county of Gillespie; the county of Edwards to the county of Bandera; the counties of Dawson, Kinney and Zavala to the county of Uvalde, and when Zavala shall be organized, then the county of Kinney shall be attached to Zavala county; the county of Frio to the county of Atascosa; the county of McMullen to the county of Live Oak; the county of Duval, Encinal and La Salle to the county of Nueces, and when the county Duval is organized, the counties of Encinal and La Salle shall belong to the county of Duval; the county of Dimmit to the county of Webb.

Sec. 8. That the Assessor and Collector of any organized county to which any unorganized county or counties are attached for judicial purposes, are hereby authorized and required to assess and collect the taxes, both State and county, from all persons (and on all property subject to taxation) living in any of said unorganized counties, the same as if they were citizens of said organized counties.

Sec. 9. All acts and laws conflicting with this act are hereby repealed, and this act go into effect from and after its passage.

Approved February 14th, 1860.

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CHAPTER 88.

An Act to define more certain the boundaries between Erath and Comanche counties.

Section. 1. Be it enacted by the Legislature of the State of Texas, That the south-west corner of Erath county as mentioned in an act approved January 20th, 1858, entitled an act to amend an act creating the county of Comanche, approved January 25th, 1856, and an act amending said act, approved August 25th, 1856, be, and the same shall be, at a point eleven miles south sixty degrees west from the north-west corner of Bosque county, as established by the original act creating Bosque county, and said corner shall be the point from which the boundary lines between Comanche and Erath county shall run as defined in the above recited act, any law to the contrary notwithstanding.

Sec. 2. That this act take effect from and after its passage.

Approved Feb. 14th, 1860.

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CHAPTER 89.

An Act to provide for the organization of the Militia of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That every able-bodied free male inhabitant of this State, between the ages of eighteen and forty-five years, shall be liable to perform military duty, except as herein provided; but no person shall be called on to perform military duty who shall not at the time, have resided at least one month in the State, and ten days within the bounds of the company to which he belongs except in cases of actual or threatened invasion, in which case he shall perform such duty as may be required of other persons, and shall be subject to like fines and penalties.

Sec. 2. Judges of the Supreme, District and Probate Courts, Secretary of State, Auditor, Treasurer and Comptroller of the State, clerks of the Supreme and District Courts, Justices of the Peace, Postmasters who have the care of the mails of the United States, Post riders, Public millers, Ferry-men on public roads, Teachers and Professors in academies, shall be exempt from military duty, except in cases of imminent danger, insurrection or invasion.

Sec. 3. The militia of the State shall be divided into sixteen divisions, and thirty-two brigades; two regiments shall be formed in each Senatorial District, except the twenty-ninth and thirty-third districts, which shall furnish two regiments. Two regiments shall constitute a brigade, and two brigades a division. The first and second Senatorial Districts shall form the first division; the third and fourth the second division; the fifth and sixth the third division; the seventh and eighth the fourth division; the ninth and fourteenth the fifth division; the tenth and eleventh the sixth division; the twelfth and thirteenth the seventh division; the fifteenth and twenty-first the eighth division; the sixteenth and seventeenth the ninth division; the eighteenth and nineteenth the tenth division; the twentieth and twenty-eighth the eleventh division; the twenty-second and twenty-third the twelfth division; the twenty-fourth and twenty-fifth the thirteenth division; the twenty-sixth and twenty-seventh the fourteenth division; the twenty-ninth, thirty-second and thirty-third the fifteenth division; the thirtieth and thirty-first the sixteenth division.

Sec. 1. The Militia of each district, when the number of persons therein subject to military duty shall be sufficient to constitute two battalions as hereinafter provided, shall constitute one regiment; but when the number of militia men in any district shall not be sufficient to constitute two battalions, the militia of such district shall constitute a separate battalion to be formed into independent companies as may be found most convenient, and when the number in any district shall exceed the whole number hereinafter required to constitute a full regiment, including any independent companies which may be raised in such county, the same may be divided into two regiments by the Brigadier General commanding the brigade to which such district may belong, in such manner as he shall direct; each battalion shall consist of not more than five nor less than three companies, and each company of not more than one hundred nor less than eighty non-commissioned officers and privates; and the regiments and battalions shall be numbered by the Commander-in-Chief and arranged in numerical order.

Sec. 5. All commissioned officers shall rank according to their grades and the date of their commissions; but where officers of the same grade are elected or appointed on the same day, a difference in the date of their commissions shall not determine their rank; the rank of all their field or general officers of this State being of the same grade, and who are elected or appointed on the same day, under the provisions of this act for the government and organization of the militia of this State, shall be determined by lot to be drawn by the Adjutant General in the presence of the Governor and Secretary of State; which duty he is required to perform as soon as practicable, and immediately thereafter to transmit to each officer so drawn, the result of such drawing; and it shall be the duty of the Adjutant General to make an entry in a book kept by him for that purpose, of the grade and rank of each officer whose rank is determined as specified in this act.

Sec. 6. The rank of Captains and subaltern officers which may hereafter be elected on the same day belonging to the same regiment, shall be determined by lot drawn in presence of the Colonel-Commandant; and the Adjutant shall make a record of the grade and rank of each officer whose rank is so determined; and each regiment shall be commanded by one Colonel, and each separate battalion and first battalion in each regiment by a Lieutenant Colonel; the second battalion in each regiment by one Major; each company by one Captain, one first and second Lieutenant, and such non-commissioned officers as are usually appointed to companies in the service of the United States. The Major-Generals each shall appoint his Aid-de-camp, and the Governor shall appoint one Aid-de-camp in each Major-General's division, with the rank of Colonel of Cavalry; the Brigadier Generals each his Aid-de-camp and Brigade-Major; the commanding officer of each regiment and separate battalion his paymaster, Judge Advocate, Adjutant, Quartermaster, Sergeant, Major and Fife-Major; and the captains, their drummers and fifers.

Sec. 7. The Majors and Brigadier Generals of the State shall be allowed to appoint in addition to the staff allowed them by this act, such other additional staffs as are allowed to officers of a like grade in the army of the United States.

Sec. 8. The staffs of the Major-Generals shall rank as Colonel of Infantry; the staffs of the Brigadier-Generals, as Majors of Cavalry; and the staffs of Colonels-Commandant shall rank as Captains of Infantry; and the said officers when called into actual service, either by authority of this or the



United States, shall be entitled to the same pay and emoluments as officers of the like grade belonging to the United States Army.

Sec. 9. The Governor shall immediately after the passage of this act, appoint one Brigadier-General in each Brigade whose duties shall be to organize the militia as in section tenth of this act; after such organization shall have taken place, the commissioned officers of each Brigade shall proceed to elect the Brigadier-General of such Brigade, and the person so elected shall be commissioned by the Governor, when the appointment under this section shall cease.

Sec. 10. It shall be the duty of each Brigadier-General, so soon as he may be elected and commissioned by the Governor under the provisions of this act, to proceed without delay to divide his brigade into regiments and battalions, or separate and independent battalions as the case may be; and said division shall be made as nearly equal and equitable as practicable; and it shall be the duty of said Brigadier-General to proceed to order or cause elections to be held throughout their respective commands, for Colonels-Commandant, Lieutenant Colonels, and Majors for each regiment or separate battalion; which election shall be held according to law, and returns made thereof to the Governor, who shall commission said Colonels, Lieutenant-Colonels and Majors, as the case may be; and said Colonels, Lieutenant-Colonels and Majors shall, after receiving their respective commissions as herein contemplated, cause their respective regiments or battalions to be divided into companies as nearly equal as practicable, and cause elections to be holden in each county beat for captain, one first Lieutenant, and one second Lieutenant for each company, and such other officers as are allowed by law in the United States service, giving at least fifteen days' notice of such election; which election shall be held according to law regulating elections for civil officers, and the returns thereof to be made to the Colonel-Commandant or the Lieutenant-Colonel-Commandant of each separate battalion, as the case may be, within ten days thereafter, whose duty it shall be to keep said election returns, and within five days thereafter to make out an abstract of said election returns under his hand and seal, and transmit the same to the Governor by mail, whose duty it shall be to commission all persons elected as aforesaid; and the term of service of all officers elected under the provision of this act shall be during good behavior, or in case of promotion, resignation or discharge.

Sec. 11. It shall be the duty of the Governor to issue his

proclamation requiring elections to be held in each division, brigade, regiment, battalion and company, throughout the State, for all officers contemplated by this act, to be elected on the day set apart by the proclamation, notice of which election shall be published in at least one newspaper in each brigade or division thirty days previous to said election; which elections shall be held at the same places, conducted in the same manner, and returned in the same way as elections for civil officers, to the Governor of the State, who shall commission the same. All elections to fill vacancies shall be held as follows: for the election to fill a vacancy in the office of Major-General, the Governor shall issue his order giving sixty days' notice; which election shall be held at the usual places of holding elections for civil officers in each and every county composing the division in which such vacancy may occur; and such election shall be held and conducted in the same manner as hereinafter provided; and to fill a vacancy in the office of Brigadier-General, the Major-General shall issue his order giving forty days' notice; to fill a vacancy in the office of Colonel of a regiment or Lieutenant-Colonel Commanding a separate battalion, the Brigadier-General shall issue his order giving thirty days' notice; to fill a vacancy in the office of Lieutenant-Colonel or Major of a battalion, the Colonel shall issue his order giving ten days' notice; and to fill a vacancy in the office of first and second Lieutenant, the Captain shall issue his order giving five days' notice thereof.

Sec. 12. No person who shall be elected and commissioned in the Military Department of this State shall resign the same until he shall have fully organized the militia under his command, and shall have made full returns thereof, of the number of effective men under his command to his superior officer, under the following penalties: if he be a Major-General, in the sum of one hundred dollars; if a Brigadier-General, in the sum of seventy-five dollars; if a Colonel of a regiment or a Lieutenant-Colonel of a separate battalion, in the sum of fifty dollars; if a Lieutenant-Colonel or Major of a battalion, in the sum of forty dollars; if a Captain, in the sum of thirty dollars; if a first or second Lieutenant, in the sum of twenty dollars; to be recovered and appropriated as other fines and penalties are by this act directed.

Sec. 13. In all cases where the militia in any of the military divisions of this State shall fail to elect such officers as they are required to by law, such division shall be attached to and form a part of some other division which shall have the requisite officers, and shall be subject to perform all military duty by this act required, under the command of the officers of the division to

which they may be attached; if the delinquency or failure shall occur in a company division, the militia of such division shall be attached to the next adjoining company in the same battalion, if any company of the battalion to which such division belongs shall have the requisite officers, by order of the Lieutenant-Colonel or Major of such battalion; and if there shall be no company in the battalion, organized and officered as required by this act, the militia of each company of such battalion shall be attached to the most convenient company of the regiment which shall be found to have the requisite officers, by an order of the Colonel of such regiment; and if any regiment or separate battalion shall be found unorganized and without the requisite officers, the militia of such regiment or separate battalion shall be attached to the most convenient regiment or separate battalion in the brigade which shall be found to have the officers and organization required by law, by an order of the Brigadier-General of the brigade to which such regiment or battalion may belong. If any brigade shall be found unorganized and without the requisite officers to command the same, the militia of such brigade shall be attached to the most convenient brigade in the division to which such division belongs, which shall be found to have the officers required by law, by order of the Major-General of such division; and in all cases when the militia of any division shall be attached to any other division, as hereinbefore provided, the militia so attached shall be commanded by the officers of the division to which they shall be attached, and shall be liable to the same duty, and subject to the same fines and penalties as if they had previously belonged to such division; and the militia of any division attached to another division, as aforesaid, shall remain subject to such command until they shall be admitted by an order of their superior officer, to whose command they may be attached, to elect the requisite officers to command such division, and shall have reported to him that they have all the requisite officers for the command of their separate divisions duly elected and commissioned; after which the command of the officers of the division to which they shall have been attached shall cease, and shall devolve on the officers of the division, elected and commissioned as aforesaid; and if any division shall be found a second time unorganized and without officers as required by this act, they shall in like manner be again attached to some division having the requisite officers and organization, and shall be debarred the privilege of again separating from the division and command to which they shall be attached, and shall permanently compose a part of said command,

anything in this act to the contrary notwithstanding; and the officer whose duty it is made by this act to order militia of any of the divisions to be attached to some other division, as provided for by this act, shall at the time of issuing said order give public notice thereof to the militia of the division to be attached as aforesaid; if it be a company, the notice shall be in writing, put up in at least two of the most public places in the company beat; if it be a battalion, the like notice shall be put up in at least one of the most public places of each company of the battalion; if a brigade, regiment or separate battalion, the like notice shall be put up in at least one of the most public places of the brigade, regiment or separate battalion, or be published for three weeks successively in one or more of the newspapers published in this State; and any notice given as aforesaid shall be deemed in law sufficient, and the militia as notified shall, from the time of issuing such order and giving such notice, be considered and treated as part of the division to which they may be attached, and compose a part of the command of the officers of the division to which they are attached, anything in this act to the contrary notwithstanding; and any general order issued by the Commander-in-Chief, any Major-General or Brigadier-General, and published in any newspaper printed in this State for three weeks successively, shall be deemed in law a sufficient notice thereof to the militia, and to all persons to be affected thereby, and shall be to all intents and purposes as valid as if the same were communicated by express or any other manner whatever.

Sec. 14. All elections in the militia department which may hereafter be contested, shall be determined in the following manner, viz: If the election of a Major-General shall be contested, the party contesting such election shall furnish the Governor a fair statement of his reasons in writing, upon the receipt of which, he shall order a Court of Inquiry to be held at such place as he may designate in the division to which such Major-General belongs; at which court each militia officer of such division, not under the grade of a field officer, shall be entitled to a seat; and if the election of a Brigadier-General shall at any time be contested, the complainant shall make the like complaint and application to the Major-General of the division to which such brigade belongs, who is, upon the receipt thereof, required to order a brigade Court of Inquiry, as in other cases; and when the election of a Colonel of a regiment, or Lieutenant-Colonel of a separate battalion, or Lieutenant-Colonel or Major of a separate battalion, shall be contested, complaint and appli-

cation shall in like manner be made to the next highest officer in command, who, upon receipt thereof, shall order a separate regiment Court of Inquiry accordingly; if under the rank of a field officer, all complaints and applications shall be made to the commanding officer of the regiment or separate battalion where the contest exists; and in order to explain and fix a principle to govern the several Courts of Inquiry in their duties respecting contested elections, it is hereby declared that the person contesting shall, in all cases, be bound to furnish satisfactory proof to the court, that the person whose election is contested did receive a number of illegal votes, which, if deducted, would give a majority to the person contesting; and if the contesting person shall fail to establish his charge, or if the charge shall be sufficiently supported, in either case, the court shall report in favor of the person having the greatest number of legal votes as being duly elected; and the President of each Court of Inquiry shall certify, under his hand, the name or names of the person thus duly elected; which certificate, if the officer shall be of the grade of general or field officer, shall be directed and sent to the Governor; if commissioned officers of companies, the certificate shall be signed as aforesaid, and be directed and sent to the Colonel of the regiment or Lieutenant-Colonel of the separate battalion, and by him to the Governor, who shall issue commissions in either of the above cases; and in order to provide more amply for deciding contested elections, it is hereby declared that when the cause shall arise from any illegal proceedings of any person ordering, conducting or judging said election, on proof thereof being made satisfactory to the Court of Inquiry, such election shall be declared void, and the President by and with the authority of such Court of Inquiry shall direct the proper officer to issue an order or orders for an election to fill such vacancy, which election so ordered, shall in all things be conducted in the same way as other elections to fill vacancies in like offices are by this act directed.

Sec. 15. Each and every officer elected and commissioned under the provisions of this act shall, previous to entering upon the execution of the duties of his office, take the following oath: I \_\_\_\_\_do solemnly swear that I will support the Constitution of the United States and of this State, and that I will faithfully and justly execute the duties of the offices of\_\_\_\_\_in the\_\_\_\_\_company, battalion, regiment, brigade or division, as the case may be, of the militia of this State, according to the best of my skill, power and judgment, so help me God; a copy of which shall be endorsed on the back of the commission, signed by the

person taking the same and attested by the officer who administered the oath.

Sec. 16. If any commissioned officer shall move out of the bounds of his division, brigade or regiment, separate battalion or company, or offer himself a candidate for any other military appointment, or shall be absent therefrom otherwise than on military duty, for more than twelve months at one time, his office thereby shall become vacated; and if any commissioned officer shall think himself injured by his superior officer, and shall, upon due application made to him, be refused redress, he may complain to the Brigadier-General, who shall order a brigade Court of Inquiry to be held under the rules and regulations prescribed by this act; if any inferior officer or private shall think himself injured by his Captain or any other superior officer in the regiment or separate battalion to which he belongs, he may complain to the commanding officer of the regiment or separate battalion, who shall order a Court of Inquiry, and such court shall determine the complaint agreeably to the nature of the case: Provided, that the person complaining shall exhibit his charge in writing supported by oath or affirmation.

Sec. 17. Every Captain or commanding officer shall hold at least two company musters between the months of March and November in each year, and shall require the non-commissioned officers of his company, or such of them as he shall designate, to warn his men of the place of muster, in all cases where notice thereof was not given at the previous muster; and each Captain shall have the right to designate his muster ground, but shall select some suitable muster ground as near central as circumstances will permit; and after the first muster the company shall select a place of muster, and every officer, non-commissioned officer and private, shall appear at his respective muster field by eleven o'clock in the forenoon, and not leave the parade until permitted by the officer commanding the troops; and at every muster each Captain or commanding officer of the company shall direct the first Sergeant of the company to call the roll, in his presence, between the hours of eleven and twelve o'clock; and the commanding officer of each company shall examine every person belonging to his company, note all the delinquencies, make out an accurate statement of the strength and condition of his company, and make returns thereof to the Chief Justice of the county and to the commanding officer of the battalion to which he belongs, within twenty days thereafter, whose duty it shall be to return the same to the commanding officer of his regiment within ten days thereafter, whose duty it shall be to

make out an accurate statement of the condition of his regiment, and return the same to the commanding officer of the brigade within ten days thereafter, to which he may belong; and the commanding officer of a separate battalion shall make a like return to the commanding officer of the brigade to which he belongs within the same time; and the Brigadier-General shall make a like return to the Major-General commanding the division to which his brigade belongs within twenty days thereafter; and the Major-General of a division shall make a like return of the division under his command, to the Adjutant-General of the State within twenty days thereafter; and it shall be the duty of Adjutant-General to furnish such blank forms of all the different returns, an explanation of the principles on which they should be made, as shall be approved by the Commander-in-Chief; and, also, to receive the returns of the militia throughout the State, from all which he shall make the proper abstract and lay the same before the Commander-in-Chief of this State, within twenty days after they shall have been received by him or sooner if required by the Commander-in-Chief; and the Commander-in-Chief when required, shall lay the same before the Legislature of the State, and the Adjutant-General shall transmit a duplicate abstract of the number and condition of the militia to the Adjutant-General's office of the United States annually.

Sec. 18. If any non-commissioned officer, musician or private at any muster, shall disobey the legal and proper orders of his superior officer, or act in a disorderly manner, or if by slanders at any such muster, he shall insult or otherwise molest any officer, non-commissioned officer or private, while on parade or employed in any other service authorized by the laws of this State, the commanding officer of the company may order such person to be arrested and placed under guard for any length of time not exceeding three hours; and the person or persons so offending shall, moreover, be subject to pay such fines as may be imposed in the manner hereinafter provided.

Sec. 19. In order to compel the observance of the provisions of this act, and for the purpose of introducing a proper degree of subordination and discipline in the operations of the militia of this State, the following penalties shall be incurred and inflicted in the manner hereinafter directed, that is to say: the Adjutant-General, for a neglect or violation of those duties imposed upon him by this act, shall incur a penalty not exceeding one hundred dollars nor less than fifty dollars; and any commissioned or staff officer for failing to perform the duties required of him by this act, shall forfeit and pay as follows: commandant of a regiment

or separate battalion, the sum of fifty dollars; Lieutenant-Colonel or Major of a battalion, the sum of fifty dollars; the commanding officer of a company or Adjutant, twenty dollars; and those officers respectively, shall, moreover, be liable to be cashiered at the discretion of a Court-Martial. Each non-commissioned officer failing to give notice of any muster, when he shall receive orders for that purpose, without a reasonable excuse, shall be fined in the sum of five dollars; each non-commissioned officer, musician or private, failing to attend any muster, or disobeying any order, which by virtue of this act his superior may give, or failing to repair to the prescribed rendezvous, when properly warned so to do, or failing to do his duty when there, or absenting himself without a lawful excuse, shall forfeit and pay such fine as the Court-Martial shall order under the circumstances of the case, not exceeding the sum of five dollars; every non-commissioned officer appointed in pursuance of this act, shall serve during good behavior, unless in case of discharge, promotion or resignation.

Sec. 20. It shall be the duty of the commanding officers of companies to proceed forthwith to divide the companies into classes by ballot, from one to three, for the purpose of a regular routine of duty when called into actual service, and to return a roll of each class and its number in rotation, within thirty days' thereafter, to the commanding officer of the battalion, who shall transmit the same to the commanding officer of the regiment, who shall cause the same to be recorded by the Adjutant; and the commanding officer of the regiment or separate battalion shall make a return of the same to the Brigadier-General, and those enrolled in the first class shall be subject to perform the first tour of duty, and those in the second class, the second tour of duty, and those in the third class, the third tour of duty, and so on in rotation. When any Colonel of a regiment or a Lieutenant-Colonel of a separate battalion shall be charged with mal-administration or neglect of duty, it shall be lawful for any commissioned officer to exhibit to the Brigadier-General of the brigade, or such other officer as shall at the time have command of the brigade, a fair statement in writing, of the charge or charges and the facts intended to establish the same; and the Brigadier-General is hereby authorized to order a brigade Court-Martial to consist of at least seven members, none to be under the grade of field officers, who, when assembled, shall take and subscribe the same oath subscribed for regimental Courts-Martial; and the court, being thus sworn, shall inquire into the nature and truth of the charge or charges, and if the officer accused



shall be found guilty of such neglect of duty, he shall forfeit and pay (if guilty of a misdemeanor in office) any sum not exceeding fifty dollars, and shall be cashiered; and when any Lieutenant, Captain, Lieutenant-Colonel of the first, or Major of the second battalion of any regiment shall be charged with any misdemeanor in office or neglect of duty, it shall be lawful for any officer, non-commissioned officer or private, to exhibit to the Colonel of the regiment, or Lieutenant-Colonel of a separate battalion, a fair statement of the charge or charges, and the facts intended to establish the same; and the Colonel or Lieutenant-Colonel, to whom such complaint is made in writing, may, in his discretion, order a regimental or battalion Court-Martial to consist of at least five commissioned officers, who shall take and subscribe the oath directed to be taken by this act, and when sworn, shall inquire into the nature and truth of the charge or charges so exhibited; and if found guilty of a misdemeanor in office, the officer so accused shall be cashiered, and if guilty of neglect of duty shall be fined as prescribed by law; but no sentence of any Court-Martial, cashiering any officer shall be final, until the same be laid before the Commander-in-Chief and by him approved, if the officer cashiered shall pray an appeal for such decision to him, otherwise the same shall be final.

Sec. 21. If any person shall be called on to perform a tour of duty, such person shall be acquitted: Provided, he furnish to his commanding officer an able-bodied substitute in his room or stead; and if any such substitute should be called into actual service in his own term, previous to the expiration of the term for which he shall have enrolled as such substitute, then the person procuring such substitute shall march in his room, or procure another substitute for the remainder of the term, or be liable to the same penalties as if called upon in his own name. Any person called upon to perform a tour of duty as aforesaid, and serving by himself or substitute, or otherwise paying such fine as the Court-Martial shall adjudge adequate to the offence, shall not be bound to perform any tour of duty until regularly called upon by rotation.

Sec. 22. When it may be necessary to call into actual service any part of the militia, on an actual or threatened invasion of the State, or any of the neighboring States or territories, it shall and may be lawful for the Governor to order into the service such part of the militia as the emergency may require; and when any part of the militia of this State shall be called into actual service, it shall be the duty of the Commander-in-Chief to order from the militia or battalion from which the

militia shall be detached, in proportion to the men furnished by the regiment or battalion, a sufficient number of officers, giving preference to senior officers of said regiment or battalion, to officer said detachment; and in all cases the officers of the militia of this State shall be called on to perform their tour of duty in rotation, in the same manner as is by this act directed for the several classes of the militia: Provided, however, that no militia men shall be compelled to serve more than six months at one time, and sixty days shall be considered a tour of duty.

Sec. 23. In cas of actual invasion or insurrection, or an invasion threatened or premeditated against this State or any part thereof, it shall be lawful for the Governor, or any officer by him directed, to order into actual service all or any portion of the militia, as the emergency may require, and to discharge such troops as soon as he may judge consistent with the interests of the State; and if a sudden insurrection should be raised, or invasion made upon any county within this State, the commanding officer of the militia of said county is hereby authorized and directed to order out such part of the militia as he may think necessary for suppressing such insurrection or repelling invasion; and may, if in his judgment the emergency of the occasion requires it, make a requisition on the commanding officer of the militia of any adjoining county not so invaded or endangered, whose duty it shall be to comply with such requisition: Provided, always, it shall be the duty of such officer so ordering out the militia or any part thereof, to transmit to the Governor, as early as practicable, a statement of his proceedings, setting forth his reasons for exercising such authority; and the militia so called out, shall be discharged within thirty days' after their rendezvous, except they shall be continued in service for a longer time by the executive authority of this State; and the militia of this State, when in actual service, shall be governed by the rules and articles governing the armies of the United States.

Sec. 24. Every officer to be tried by a Court-Martial, shall have ten days' notice given him, of the time and place appointed for the trial, and shall be furnished with a copy of the charges exhibited against him, at least ten days before the sitting of said court. In every Court-Martial for the trial of an officer, not less than two-thirds of the number present shall agree in the sentence or judgment of said court, otherwise the person charged shall be acquitted; and when the members shall be required to give their votes on a question or decision, they shall begin with the youngest in commission: Provided, that no commissioned officer shall be allowed to resign his commission while under arrest.

Sec. 25. The Captains and subaltern officers of each and every company, or a majority of them, shall, on the muster day next succeeding the muster of each company, at which there has been any delinquency or delinquencies, hold a court for the adjustment of fines in each company; and the commanding officer of the company shall issue his warrant, directed to any Sheriff or Constable in his beat, which warrant shall have the force and effect of an execution; and said Constable shall proceed to collect the same, in the same manner as if said execution had issued under and by the authority of any civil officer within this State; and all fines collected by virtue of the provisions contained in this section, shall be paid to the Captain of such company, within ten days after the same may be collected, and by him applied to the purchase of a drum, fife and colors, and for other purposes for the use of the company.

Sec. 26. When either the Major-General, Brigadier-General or Brigade-Major, shall be charged with malfeasance or neglect of duty in office; if a Major-General, it shall be lawful for any militia officer, not under the grade of a field officer, to exhibit to the Governor, for the time being, a fair statement of the charge or charges, with the facts intended to establish the same, who is hereby authorized to order a general Court-Martial, to consist of at least nine members, none to be chosen under the grade of a field officer, who, when convened, shall take and subscribe the same oath prescribed for regimental Courts-Martial; the said courts thus sworn, shall have power to inquire into the nature of the offence; and if it shall constitute a misdemeanor in office, he shall be removed from the same; if for neglect of duty, he shall forfeit and pay a sum not to exceed one hundred dollars, at the discretion of the Court-Martial, to be collected as in similar cases of fines; if a Brigadier-General or Brigade-Major shall be guilty of either of the aforesaid offences, the charge shall be submitted to the Major-General, who shall issue his order to the senior Colonel commanding in the Brigade in which the person charged resides, by virtue of which order the Colonel shall hold a Court-Martial, and proceed in the same manner as directed for the trial of Major-General: Provided, that in all cases of charges exhibited against officers, the officer ordering a Court-Martial shall, as soon as practicable, furnish the person charged with a copy of the charges exhibited against him; and the President of the Court-Martial shall give at least ten days' notice of the time and place appointed for trial, and cause such witnesses as may be required by either party to be summoned by the Adjutant of the regiment in which they reside; and every

person so summoned and failing to attend, or refusing to be sworn, shall be tried by the Court-Martial, and if he be an officer, may be cashiered or fined at the discretion of the Court-Martial, not exceeding fifty dollars; if a non-commissioned officer or private, he may be fined not exceeding twenty dollars, and, moreover, be confined under guard or put in jail until he will give evidence.

Sec. 27. Each Judge-Advocate, previous to entering on the duties of his appointment, shall take an oath to support the Constitution of the United States and of the State of Texas, and also that he will well and truly perform the duties of Judge-Advocate, according to law and the best of his skill and abilities; which oath shall be in writing, signed by the Judge-Advocate, and attested by the officer who administered the same; the Judge-Advocate thus sworn, shall administer the following oath to the officers, previous to their entering on the duties of any Court-Martial, viz: You, and each of you, do solemnly swear that you will well and truly inquire into the delinquencies which may appear, on returns which may be laid before you, and will assess the fines thereon as may seem just, according to law, without favor or affection, partiality or prejudice; and that you will not disclose or discover the vote or opinion of any particular member of this court, unless required to give evidence thereof in a court of justice, so help you God. It shall be the duty of the Judge-Advocate to provide a book, in which he shall record the proceedings of the Court-Martial, and all other necessary entries for the regiment or separate battalion, which are or shall be required by law, and, for his services, shall be exempt from military duty, and be allowed the sum of two dollars per day for attending regimental or battalion Courts-Martial, which it shall be his duty to attend, to be paid out of the fines arising under this act. If, from any cause, a Judge-Advocate shall fail to attend a Court-Martial, as provided in this act, it shall be the duty of the officers present to appoint a Judge-Advocate for the time being; and in case of his death, resignation or removal out of the county, or from his office, the journals and proceedings shall be kept by the Colonel or commanding officer, until a Judge-Advocate shall be appointed in his stead.

Sec. 28. All fines and forfeitures imposed by a regimental or battalion Court-Martial, shall be collected in like manner as fines and penalties are required, to be collected by company Courts-Martial, and paid into the hands of each paymaster of each regiment or separate battalion. It shall be the duty of the commanding officer of the regiment or separate battalion, to

appropriate the money arising from fines, in the hands of the paymaster, by order of the Court-Martial, in the first place, to the purchasing of fifes, drums and colors for the use of the regiment or separate battalion, for any service for which they may be entitled to pay, under the provisions of this act.

Sec. 29. No officer or private, ordered or directed by this act to appear as aforesaid shall be liable to be taken or arrested by any officer, in any civil action or process whatsoever, on the day such person is directed to appear, or in any reasonable time in going to, continuing at or returning from the same; and every such arrest is hereby declared void, and shall subject such officer to damages for false imprisonment; and every person required by this act to attend muster, going to and returning from the same, shall be suffered to pass over any bridge, together with his horse, and shall be put over any public ferry, without delay, free of charge; and if any ferryman demand pay for, delay, or refuses to put such person or persons over, or keeper of toll-bridge impede the passing of any person, he shall forfeit and pay for every such offense, the sum of ten dollars, to be recovered by warrant from a Justice of the Peace, one half to the informer, and the other half to be paid into the regimental fund of the regiment to which the impeded person may belong.

Sec. 30. The Colonel of each regiment may constitute two companies thereof, Light Infantry companies, as right and left flank companies, which companies shall be armed and equipped the same as like companies in the United States service; and all corps shall use for instruction and exercise, the system of military tactics and discipline adopted in the United States Army, for troops of a similar description; and all companies shall have a right to change their uniform from time to time: Provided, such change shall not be incompatible with the military regulations of the United States Army.

Sec. 31. Every commissioned officer, volunteer or militia, shall be furnished with one copy of this act, at the expense of the State; and every officer shall, when he goes out of office, deliver to his successor in office, all books and forms furnished him by the State, or received from his predecessor in office, and also, all books and papers in his possession belonging to his division, brigade, regiment, battalion or company; and every officer who shall neglect or refuse so to do, shall be fined twenty dollars per month for every month he shall so neglect or refuse, after a demand thereof has been made by his successor, to be

assessed by any Court-Martial having cognizance of the conduct of such officer, and collected and accounted for as other fines imposed upon such officer are by this act directed to be collected and accounted for.

Sec. 32. The Governor shall appoint one Adjutant-General, with the rank of Colonel of Cavalry, who shall do and perform all the duties of Adjutant-General, as required of him by this act, and shall furnish all forms of returns, and keep a book, in which he shall make a fair entry of all returns by him received, which shall be subject to the inspection of the Major-General and Commander-in-Chief; and shall receive for his services the sum of five hundred dollars per annum, out of any money in the Treasury not otherwise appropriated.

Sec. 33. The system of discipline and exercise which is and shall be ordered to be observed by the regular army of the United States, shall be observed by the militia of this State, and the commanding officers of the several militia divisions shall cause the militia within their respective commands to be disciplined and trained conformably thereto, in all things not otherwise directed by this act; and in all cases not specially provided for by this act, such provisions of law as have been or may be made by Congress, for the government and direction of the army or the militia of the United States in similar cases, shall be binding upon and be observed, and conformed to by the militia of this State; and the forms and rules of proceedings of all Courts-Martial, not provided for in this act, shall be such as are established by the rules and articles of war adopted and used in the militia service of the United States.

Sec. 34. Each new county established by this Legislature shall form a part of the same brigade and division as the county from which such new county, or the greater portion thereof, was taken.

Sec. 35. The Adjutant-General shall also be Quarter-Master-General, and his duty as such shall be to collect and take charge of all public property belonging to the military of this State, or for military uses, which has not been regularly issued by the State, and his general duties shall be similar to the duties of Quarter-Master-General and Commissary-General of the United States; and in addition to said duties, he shall perform the duties of Ordinance officer. He shall give a bond with two or more good and sufficient securities, to be approved of by the Governor, payable to the State of Texas, conditioned for the faithful performance of the duties of Adjutant-General, Quarter-Master-General and such other duties as devolve upon him by the laws of this State.

Sec. 36. The Commander-in-Chief may appoint an Aid-de-Camp, who shall also be his acting Assistant Adjutant-General, and shall rank as Brevet Brigadier-General.

Sec. 37. Volunteer companies shall form a part of, and be attached to the regiments of the same corps within their brigades, and shall turn out and perform duty with the same upon all battalion, regimental, brigade and division drills or parades, and the commanding officer may assign them as flank companies to the battalion, regiment, brigade or division, as he may deem proper. There shall be battalion, regimental, brigade or division drill and parade once, at least, in every twelve months. The Commander-in-Chief may order such parades, drills or inspections as he may deem proper: Provided, however, that not more than one such shall take place in the same year in the same division.

Sec. 38. All the returns required of the militia shall, also, be required of volunteer or any military companies of the State, and to be made by the proper officers through the same channel.

Sec. 39. The sum of five hundred dollars is hereby appropriated out of any unappropriated funds in the Treasury, for the purpose of purchasing forms, books, &c., necessary to carry this act into effect. The act of April 21st, 1846, entitled "an act to organize the militia of the State of Texas" is hereby repealed, and this act to take effect from and after its passage.

Approved February 14th, 1860.

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## CHAPTER 90.

### An Act creating the county of Greer.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the territory contained in the following limits, to-wit: beginning at the confluence of Red river and Prairie Dog river, thence running up Red river, passing the mouth of south fork and following main or north Red river to its intersection with the twenty-third degree of west longitude, thence due south across Salt Fork and to Prairie Dog river, and thence following that river to the place of beginning, be, and the same is hereby created into a county to be known by the name and style of the county of Greer.

Sec. 2. That the provisions of an act to create the counties of Concho, Wichita, Coleman, Dawson, Shackelford, Mc Mullen and others, approved February 1st, 1858, shall govern the organization of the county herein created.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved 8th February, 1860.

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## CHAPTER 91.

### An Act providing for the investment of the sinking fund.

Section 1. Be it enacted by the Legislature of the State of Texas, That the two per cent. sinking fund, which has been or may hereafter be paid into the Treasury of the State, by railroad companies, shall be entered as a credit upon the bond or bonds of the company so paying, and shall be in extinguishment of so much of said bond or bonds, and said two per cent. so paid shall immediately be placed to the credit of the special school fund, and invested by the school Commissioners in such railway bonds as are contemplated by the act to provide for the investment of the special school fund: provided, that the bonds of the railway company may be taken for the amount actually lent to the company, and, provided, further, that the companies heretofore borrowing the school fund or any part thereof, shall assent thereto; or in the bonds of any of the slaveholding States of this Union, and the interest on the bonds so purchased shall in like manner be re-invested; and the Governor is hereby authorized to make said purchase of bonds, in the name of the State of Texas, and select such as in his judgment will best promote the interest of this State.

Sec. 2. That if any railway company should refuse to assent to this mode of investment, then in that case it shall be the duty of the School Commissioners, to invest the two per cent. paid in by such company in the stock bonds of any slaveholding State, bearing not less than six per cent. interest per annum, and the interest on said bonds shall be re-invested annually in the same description of securities: provided, however, that the company so refusing, shall be entitled to no further loan of the school fund, and, further, provided, that railway companies heretofore borrowing the school fund or any part thereof, shall



consent to the same, but if such consent should not be given and there should be no United States Bonds in the Treasury, then it shall be the duty of the Commissioners of the School Fund to cause said two per cent. to be applied to the purchase of any certificates of indebtedness under any act of appropriation for the frontier defense, and that this act take effect and be in force from and after its passage.

Approved 13th February, 1860.

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## CHAPTER 1.

### Joint Resolution.

Resolved, That the Governor be authorized to call out such a number of volunteers to quell the insurrection or invasion of Cortinas and followers on the Rio Grande as may be necessary, and, in case the Governor should deem it necessary to call out volunteers under the provisions of this joint resolution, then, that those citizens of Texas, who have already left their homes with this object, shall be adopted into the public service from the time they left their homes, or so many of them as may choose to volunteer, and that said volunteers elect their commissioned officers, and be retained in service till the object for which they are called out shall be accomplished, and that said volunteers receive like pay as the same troops in the U. S. service; that this joint resolution take effect and be in force from and after its passage.

Approved November 18th, 1859.

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## CHAPTER 2.

Joint Resolution authorizing the Comptroller to contract for 500 copies of the new abstract of titled lands.

Section 1. Be it enacted by the Legislature of the State of Texas, that the Comptroller of public accounts be authorized to contract for the compilation, printing and binding of five hundred copies of the new abstract of titled lands, a sufficient

number of which are to be distributed to the assessors and collectors to be used in making the assessment of the ensuing year, and that this resolution take effect from its passage.

Approved January 2nd, 1860

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### CHAPTER 3.

Joint Resolution requesting our Senators and Representatives in Congress to use their exertions to obtain the removal of the location for the port of entry for the District of Brazos de St. Iago from point Isabel to Brownsville and to obtain an appropriation for the erection of a custom-house.

Section 1. Be it resolved by the Legislature of the State of Texas, That our Senators and Representatives in the Congress of the United States be, and they are hereby requested to use their best efforts to obtain the removal of the port of entry for the District of Brazos de St. Iago to Brownsville, on the Rio Grande, and that they also endeavor to obtain an appropriation, sufficient for the erection of the necessary building for a custom-house.

Passed January 6th, 1860.

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### CHAPTER 4.

Joint Resolution to authorize the Governor, Comptroller and Treasurer of the State to apply the monies heretofore appropriated for the payment of the public debt, to the payment of other claims of greater emergency.

Section 1. Be it resolved by the Legislature of the State of Texas, That the Governor, Comptroller and Treasurer of the State be, and they are hereby authorized and empowered to apply so much of the appropriation heretofore made for the payment of the public debt, as in their judgment will not be immediately needed in discharge of the same, and has not been used to the payment of other claims of more immediate necessity; this amount to be refunded so soon as it can be done from

any money coming into the Treasury subject to appropriation.

Sec. 2. That this act take effect from its passage.

Approved 7th Feb, 1860.

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## CHAPTER 5.

Joint Resolution authorizing the Governor to appoint three competent persons to examine the State Penitentiary.

Section 1. Be it resolved by the Legislature of the State of Texas, That the Governor of the State be, and he is hereby authorized and required to appoint three competent persons to examine the State Penitentiary, who are hereby empowered to call for books and papers, administer oaths, &c., and report to him in writing the condition of said institution, and that this joint resolution take effect from its passage.

Approved February 11th, 1860.

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## CHAPTER 6.

Joint Resolution requesting our Senators and Representatives in Congress, to procure the reimbursement to the State of Texas of funds expended for the protection of the frontier, and making other requests with reference to frontier affairs.

Section 1. Be it resolved by the Legislature of the State of Texas, That our Senators and Representatives in Congress are requested to procure the reimbursement to this State of all the amounts expended in protecting the frontier.

Sec. 2. That the Comptroller of public accounts be, and he is required to furnish a full statement of the amounts so paid or to be paid by the State for the protection of the frontier, to appropriate department of the government of the United States.

Sec. 3. That our Senators and Representatives be requested to endeavor to obtain an indemnification to our citizens for property taken or destroyed by the Indians, and for losses sustained by the Cortina difficulty on the Rio Grande frontier; and the

appointment by the United States of a Commission to examine personally through the different portions of our frontier, the claims of our citizens.

Sec. 4. That our Senators and Representatives, be requested to endeavor to procure the passage of laws, prohibiting the buying of American horses, by any persons in New Mexico or other territories of the United States adjacent to Texas, from Indians roaming on the frontier of Texas, and such territories.

Sec. 5. And that they also endeavor to procure the passage of a law authorizing the President to muster into the service of the United States, the regiment of rangers, authorized by this Legislature to be called into the service of the State. |

Sec. 6. That these joint resolutions be in force from and after their passage.

Approved 14th Feb'y, 1860.

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## CHAPTER 7.

### Joint Resolution.

Section 1. Be it resolved by the Legislature of the State of Texas, That the Comptroller shall furnish the Secretary of the Senate, and the chief clerk of the House of Representatives, a complete and accurate list of every item of expenditure going to make up the contingent expenses of the present session of each House respectively, which statement of both Houses, they shall cause to be published in the Journals of the House and of the Senate.

Sec. 2. That this joint resolution take effect from and after its passage.

Approved February 14, 1860.

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## CHAPTER 8.

Joint Resolution respecting the public property purchased for the use of the Boundary Survey.

Section 1. Be it resolved by the Legislature of the State of

Texas, That the Governor be, and he is hereby authorized to use the wagons, mules, horses and other equipage purchased for the survey of the boundary line, between the United States and Texas, for the purpose of transporting supplies to our ranging forces in the field, and to make such disposition of the property as may seem most compatible with the interest of the State, and that this resolution take effect from its passage.

Approved Feb. 14, 1860.

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## STATE OF TEXAS.

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I, E. W. Cave, Secretary of State of the State of Texas, certify, that the eighth session of the Legislature of said State, commenced, at the city of Austin, on Monday the seventh day of November, in the year one thousand eight hundred and fifty-nine, and adjourned Monday the thirteenth day of February, in the year one thousand eight hundred and sixty.

And I further certify that the Acts and Joint Resolutions, contained in this volume, are true copies, taken from the original rolls deposited in the Department of State, with which they have been carefully compared.

[L. s.]      Given under my hand and official seal, the 9th day  
of April, in the year one thousand eight hundred  
and sixty.

E. W. CAVE,  
Secretary of State.



**THE**

**ORDINANCES AND RESOLUTIONS**

**OF THE**

**CONVENTION**

**Held in the City of Austin 28th of January, 1861,  
February 24th, 1861.**

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**AUSTIN**  
**1861**





# ORDINANCES

PASSED BY THE

## STATE CONVENTION.

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### No. 1.—AN ORDINANCE

To dissolve the union between the State of Texas and the other States, united under the compact styled "The Constitution of the United States of America."

Whereas, the Federal Government has failed to accomplish the purposes of the compact of union between the States, in giving protection either to the persons of our people upon an exposed frontier, or to the property of our citizens; and, whereas, the action of the Northern States of the Union is violative of the compact between the States and the guarantees of the Constitution; and, whereas, the recent developments in Federal affairs, make it evident that the power of the Federal Government is sought to be made a weapon with which to strike down the interest and prosperity of the people of Texas and her sister slaveholding States, instead of permitting it to be, as was intended, our shield against outrage and aggression: therefore,

Section 1. We, the People of the State of Texas, by delegates in Convention assembled, Do declare and ordain, that the ordinance adopted by our convention of delegates, on the 4th day of July, A. D. 1845, and afterwards ratified by us, under which the Republic of Texas was admitted into union with other States and became a party to the compact styled "The Constitution of the United States of America," be, and is hereby repealed and annulled; that all the powers, which by said compact were delegated by Texas to the Federal Government, are revoked and resumed; that Texas is of right absolved from all restraints and obligations incurred by said compact, and is a separate sovereign State, and that her citizens and people are absolved from all allegiance to the United States, or the Government thereof.

Sec. 2. This ordinance shall be submitted to the people of Texas for their ratification or rejection by the qualified voters thereof, on the 23d day of February, 1861, and, unless rejected by a majority of the votes cast, shall take effect and be in force on and after the 2d

day of March, A. D. 1861. Provided, that in the Representative district of El Paso, said election may be held on the 18th day of February, 1861.

Adopted in Convention, at Austin City, the first day of February, 1861.

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#### No. 2.—AN ORDINANCE

Prescribing the mode of election to be held for the rejection or ratification of the Ordinance of Separation of the State of Texas from the United States of America.

Section 1. The people of Texas in Convention assembled, Do declare and ordain, and it is hereby declared and ordained, that a general election shall be held on the 23d day of February, A. D. 1861, for the purpose of rejecting or ratifying the ordinance of secession of the State of Texas from the United States of America, passed by this Convention on the first day of February, A. D. 1861.

Sec. 2. The said election shall be held in the usual manner, except that each county shall be an electoral district, and the vote returned by the proper officer of such county to the President or Secretary of this Convention, at Austin.

Sec. 3. The election shall be held at each precinct by the presiding officer of such precinct, either with or without an order of election from the Chief Justice of the county.

Sec. 4. The returns from the precincts shall be made on or before the 26th day of February, 1861, either to the Chief Justice, County Clerk, or any one of the County Commissioners of the respective counties.

Sec. 5. The manner of making returns to the Chief Justice, County Clerk, or Commissioner, shall be the same as that used in the ordinary elections, and the returns made to the President or Secretary of the Convention, shall be made in the manner now prescribed by law for making returns of elections to the office of Secretary of State.

Sec. 6. It shall be the duty of the officer to whom the returns of his county shall be made, to count the votes and certify the result, and transmit the same to the President or Secretary of the Convention, in duplicate, at different times, by mail, or by some discreet person, on the 26th day of February, or sooner, if complete returns of the county shall have been sooner made; and also deposit a copy of said returns in the County Clerk's office.

Sec. 7. The aggregate vote shall be counted by the President and Secretary of the Convention, on or after the 2d day of March, A. D.

1861, as the Convention may determine; and the result of the vote of the State shall be then proclaimed by the President and Secretary of the Convention, or either of them.

Sec. 8. The manner of voting shall be by ballot, "For Secession," or "Against Secession," and each qualified elector shall be permitted to vote in any county of the State.

Sec. 9. The citizens of the county of El Paso may hold the election, for the purpose herein specified, on the 18th day of February, A. D. 1861.

Adopted in Convention, at Austin, on this the first day of February, A. D. 1861.

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### No. 3.—AN ORDINANCE

To secure the friendship and co-operation of the people of the Territories of Arizona and New Mexico, and also of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole nations of Indians.

Be it ordained by the People of Texas, in Convention assembled, That Simeon Hart and P. T. Herbert be appointed Commissioners, to proceed at once to the territories of Arizona and New Mexico, with instructions to invite the co-operation of the people of said territories in the formation of a Southern Confederacy.

And be it further ordained, That James E. Harrison, James Bourland, and Charles A. Hamilton be and they are hereby appointed Commissioners to proceed, at once, to the Choctaw, Chickasaw, Cherokee, Seminole, and Creek nations, with instructions to invite the speedy and prompt co-operation of the people of said nations in the formation of a Southern Confederacy.

Be it further ordained, That said Commissioners are hereby authorized and empowered to act separately or jointly, as may be best, and that each one of said Commissioners be commissioned by the President of this Convention, attested by the Secretary; and that they also be furnished with an attested copy of the ordinance of secession, and that they be instructed to lay the same before the people of said territories and nations; and the President of this Convention be instructed to correspond immediately with the proper authorities of the States of Mississippi and Arkansas, requesting them to appoint Commissioners from said States to co-operate with the Texas Commissioners in their mission to the Indian nations.

Adopted in Convention, at Austin, on the 4th day of February, A. D. 1861.

## No. 4.—AN ORDINANCE

Relating to the removal of the United States Troops from the limits of the State of Texas.

Whereas, the terms of an agreement between the Commissioners of this Convention and Brevet Maj.-Gen. Twiggs, Commander of the Military Department of Texas, require that the troops now within the jurisdiction of Texas shall be removed from the State, by way of the coast, as soon as possible; therefore,

Be it ordained by the People of Texas, in Convention assembled, That all monies, transports, vessels, or other supplies sent to Texas, after the 18th of February, 1861, by the government or authorities of the United States of America, necessary and intended in good faith to facilitate the removal of troops from this State, shall not be seized or otherwise interfered with by the authorities or citizens of the State of Texas.

Done at the City of Austin, Texas, on the 4th day of March, A. D. 1861.

## No. 5.—AN ORDINANCE

In relation to a union of the State of Texas with the Confederate States of America.

Whereas, the Convention of this State has received information that the Congress of the Confederate States of America, now in session at the city of Montgomery, in the State of Alabama, has adopted a Constitution for a Provisional Government, which Constitution is modelled on that of the United States of America, and, whereas, as a seceded State, it becomes expedient and proper that Texas should join said Confederacy and share its destinies; and, whereas, a delegation, consisting of seven members, has already been elected by the Convention to the Congress of the Confederacy aforesaid; therefore,

Section 1. The People of Texas, in Convention assembled, Have ordained and declared, and do hereby ordain and declare, that the delegation aforesaid, to the Congress aforesaid, be, and they are hereby instructed, and we do accordingly instruct them, in behalf of the State, and as representing its sovereign authority, to apply for the admission of this State into said Confederacy; and to that end and for that purpose, to give in the adhesion of Texas to the provisional Constitution of said Confederate States; and which said

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Constitution, this Convention hereby approves, ratifies, and accepts.

Sec. 2. Be it further ordained, That the delegation appointed by this Convention to the Congress of the Confederate States, be and they are hereby authorized to act in said Congress as the duly accredited representatives of the State of Texas: Provided, however, that any permanent Constitution which may be formed by said Congress shall not become obligatory on this State until approved by the people in such way as shall be determined upon.

Sec. 3. Be it further ordained, That the President of the Convention immediately transmit, through such channel as he may elect, a copy or copies of this ordinance to the Congress at Montgomery, and the members of Congress from this State.

Done at Austin City, March 5th, A. D. 1861.

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#### No. 6.—AN ORDINANCE

In relation to Custom House Officers, and Customs Revenue.

The People of Texas, in Convention assembled, Have ordained and declared, and do ordain and declare as follows, to-wit:

First. All Custom House officers and Light House keepers in office in this State (including all such as may have resigned in consequence of the anticipated secession of this State from the Federal Union) on the 2d day of March, 1861, by appointment from the United States of America, shall remain in office and continue to perform the duties of the same, till superseded by either the government of this State, or that of the Confederate States of America: Provided, however, they shall respectively enter into bonds payable to the State, in an amount not less than that of the bonds given by them respectively to the United States of America; the condition being the same, with good and sufficient security, to be approved by any District Judge of the State, and also by taking the official oath prescribed by this Convention.

Second. That the collectors of the customs aforesaid, shall close their accounts of customs, and also their accounts as disbursing officers, up to the second day of March, 1861, showing the balance for or against said officers, which balance, if in favor of the United State of America, together with all revenue which had been received since said 2d day of March, 1861, and all hereafter collected—after deducting the necessary expenses for disbursement, shall be deemed and taken to be the property of the State, and accounted for to the Comptroller of the State, and paid into the Treasury of the State, to the credit of the Convention, and by the Treasurer to be disbursed in such way as the Convention may hereafter point out.

Third. That the tariff laws of the Confederate States of America, assessing duties, fixing the fees of office and regulating the registra-

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tion of vessels, shall be observed and followed by the several collectors of Customs of the State: Provided, however, that duties shall not be imposed or collected upon goods, wares, and merchandise imported into the State from the Confederate States of America.

Done at the City of Austin, Texas, March 8th, 1861.

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#### No. 7.—AN ORDINANCE

To authorize the purchase of Arms for the use of the State.

We, the people of the State of Texas, in Convention assembled, Do declare and ordain, and it is hereby declared and ordained, that Major Ben McCulloch be, and is hereby appointed Commissioner to purchase, or otherwise obtain for the State of Texas, one thousand Colt's revolvers, and one thousand Morse's rifles, with the necessary cartridges and accoutrements; or a like number of such other weapons of similar character as he may approve, and as can be obtained. And he is hereby authorized and empowered to pledge the faith of the State of Texas for the fulfilment of any contract or contracts he may enter into in pursuance to this ordinance: Provided, however, that the purchase money for said arms shall not be made payable until the first of August, A. D. 1861: And further provided, that the amount to be paid shall be no more than the market value, with interest, for these weapons.

Adopted in Convention, at the City of Austin, the 9th day of March, in the year of our Lord, A. D. 1861.

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#### No. 8.—AN ORDINANCE

To provide for the enrollment, publication, and preservation of the Ordinances of the Convention.

Section 1. We, the People of the State of Texas, in Convention assembled, Do ordain and declare, and it is hereby ordained and declared, that the ordinances of this Convention shall be correctly and duly enrolled and signed by the President and Secretary of the Convention, and deposited in the office of the Secretary of State, and there remain as part and parcel of the archives of the State. And the Secretary of State is hereby authorized and required to furnish certified copies thereof in the manner now prescribed by law in relation to other certified copies from said office.

Sec. 2. And be it further ordained and declared, That it shall be the duty of the Secretary of State to superintend the printing of the ordinances of the Convention, and he shall keep a register

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thereof, and cause them to be printed in the order in which they are enrolled and signed by the President and Secretary of the Convention. And he shall also prepare and have printed a minute and comprehensive index to the same, and shall certify at the end thereof, that the ordinances, as printed, are true copies of the enrolled ordinances filed in his office; and he shall deliver the engrossed ordinances to the Public Printer within the time prescribed by law for the printing of the laws and journals of the Legislature, and the said Public Printer be, and is hereby required to have printed, five hundred copies of the ordinances, and to deliver the same to the Secretary of State within sixty days from the adjournment of the Convention; under the same restrictions and liabilities imposed by law in relation to public printing.

Sec. 3. And be it further ordained and declared, That it shall be the duty of the Secretary of State, Treasurer, and Comptroller, or a majority of them, to advertise that sealed proposals will be received at the office of the Secretary of State for twenty days from the commencement of such advertisement, to do the printing contemplated in the foregoing section, together with such other printing as may be ordered by the Convention under like limitations, restrictions, and liabilities imposed by the act of the 8th Legislature of this State; and the contract for the same shall be closed and confirmed accordingly.

Sec. 4. And be it further ordained and declared, That it shall be the duty of the Secretary of State to mail one copy of the ordinances of the Convention, immediately upon their reception from the Public Printer, to the Clerk of the county court in each of the organized counties in this State, and one copy to the President and Vice-President of the Confederate States of America, and one copy to each of the Executive Departments of the Confederate States, and one copy to each of the Governors of the seceded States, and one copy to each of our Representatives in the Congress of the Confederate States, and it shall also be the duty of the Secretary of State to send by the carrier of the laws and journals of the extraordinary session of the Legislature of this State, one copy to each of the members and officers of the Convention, and one copy to each Clerk of the district courts in this State.

Sec. 5. And be it further ordained and declared, That it shall be the duty of the Secretary of this Convention to record the journals of the proceedings of this Convention in a well bound book to be kept for that purpose, and by him, to be deposited in the office of Secretary of State for safe preservation.

Sec. 6. And be it further ordained and declared, That it shall be the duty of the Secretary of this Convention to furnish the editor of the State Gazette with correct copies of the ordinances of the Convention for publication in the columns of that journal.

Adopted in Convention, at Austin City, on the 9th day of March, A. D. 1861.



## No. 9.—AN ORDINANCE

## Respecting Public Property.

Section. 1. Be it ordained by the People of the State of Texas, in Convention assembled, That from and after the passage of this ordinance, all interest in, or title to, any property, real or personal, heretofore belonging to or now held for the late government of the United States, in Texas, other than that allowed the federal troops by the stipulations entered into between the Commissioners on behalf of the Convention and Brevet Major-General David E. Twiggs, U. S. A., late commanding the Department of Texas, be, and the same is hereby declared vested in the State of Texas; subject, however, to such equitable arrangement as may be hereafter entered into with the Government of the United States.

Sec. 2. Be it ordained, That any person or persons, who shall, upon demand made in the name of the State of Texas, by any person authorized by this Convention, fail or refuse to deliver up any personal property belonging to this State, by virtue of the preceding section of this ordinance, may be proceeded against by indictment or otherwise; and upon conviction, shall be fined in a sum not less than twice, or more than four times the value of the property so withheld.

Adopted in Convention, at Austin City, the 9th day of March, A. D. 1861.

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 No. 10.—AN ORDINANCE

Concerning the Arms, Quartermaster's, Ordnance and Commissaries' Stores, recently surrendered to the State of Texas by the stipulations between the Commissioners of the State and Brevet Major-General David E. Twiggs.

Section 1. Be it ordained by the People of Texas, in Convention assembled, That Sackfield Maclin be, and he is hereby authorized and commissioned to act as Adjutant and Inspector General and Chief of Ordnance, with the rank of Colonel of Cavalry; and he shall keep his head-quarters at San Antonio until otherwise ordered, and shall discharge such duties as may be required of him in this ordinance.

Sec. 2. Be it further ordained, That before entering upon the discharge of the duties of his office, he shall take the oath of allegiance to this State, as required by the Constitution as amended by the Convention now in session, before the Chief Justice or any Notary Public of Bexar county, and shall file in the office of the

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clerk of the District Court of said county, his bond with such sureties as may be approved by S. A. Maverick, T. J. Devine and P. N. Luckett, Commissioners, under whose control said property is now held; conditioned that he will faithfully and impartially discharge the duties of his office.

Sec. 3. Be it further ordained, That upon the compliance with the requirements of the second section of this ordinance, by said officer, the Commissioners, S. A. Maverick, T. J. Devine and P. N. Luckett, shall deliver to him all arms of every description, ammunition and everything belonging to the ordnance department, as the same was surrendered to said Commissioners by Gen. Twiggs, taking his receipt for the same.

Sec. 4. Be it further ordained, That said officer shall have the power and authority to appoint such number of assistant ordnance officers, not to rank in any case above a first Lieutenant, as may be necessary to take proper care of said property at the different posts or points where such officers may be needed to preserve the public property: Provided, that in all such cases he shall require of the person or persons so appointed, before entering upon the duties of his office, the oath named in the second section of this ordinance, and require of them such bond with such surety as may be satisfactory to him, payable to the State of Texas. Said oath may be administered by any officer of the State authorized to administer oaths; said bonds may be filed in any District Clerk's office in any county in this State.

Sec. 5. Be it further ordained, That said officer shall have authority to do everything necessary to preserve, protect and keep in good order said public property, and he shall deliver the same upon the requisition of the proper officer or agent of the State, as may be authorized to receive it, and in such quantities and numbers as the same may be authorized to demand, taking receipts for the same: Provided, that nothing contained in this ordinance shall be so construed as to interfere with the fulfilment of the stipulations made between heretofore named Commissioners and Brevet Major-General Twiggs.

Sec. 6. Be it further ordained, That the officers created by this ordinance shall be governed by the rules and receive the same pay and allowances for their services, allowed and provided in the rules and regulations of the United States army, as published in 1857; and the duration of their offices, duty and authority, and also the compensation for the same, shall be subject to and controlled by the Legislature of this State, and that of the Congress of the Confederate States.

Sec. 7. Be it further ordained, That said officer shall discharge the duties of Adjutant and Inspector General, and he shall require

all officers in his department to report to him under said rules and regulations of 1857; but he shall not receive more pay than what is allowed to one officer.

Sec. 8. Be it further ordained, That Philip N. Luckett be and he is hereby appointed and commissioned a Quartermaster and Commissary General, with the rank of Lieutenant Colonel, who shall, before entering upon the discharge of his duties, take the oath required in the second section of this ordinance, and file his bond in the sum of twenty thousand dollars, payable to the State of Texas, for the faithful discharge of his duties as Quartermaster; and upon his satisfying Commissioners S. A. Maverick and T. J. Devine, that he has complied herewith, they shall turn over the property of the Quartermaster's and Commissary's department to him, taking his receipt for the same; and he shall hold and manage said property by the laws, rules and regulations above alluded to, of 1857, and shall be governed in all respects by the fifth section of this ordinance; and that a copy of this ordinance, properly certified, shall be given to said officers.

Adopted in Convention, at the City of Austin, on the 12th day of March, A. D. 1861.

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#### No. 12.—AN ORDINANCE

To provide for the continuance of the existing State Government.

Section 1. Be it ordained by the People of Texas, in Convention assembled, That all the existing laws of the State, not inconsistent with the Ordinance of Secession and other ordinances of this Convention, shall be and remain in full force until repealed.

Sec. 2. Be it further ordained, That all officers of the existing State Government, upon taking the oath of affirmation prescribed by an ordinance entitled "An Ordinance to amend the 1st section of the 7th article of the Constitution of the State of Texas," adopted by this Convention on the 14th day of March, A. D. 1861, shall continue in office for and during their respective terms. Should any officer of the Government refuse to take said oath or affirmation in the manner and within the time hereinafter prescribed, then and in that case his office shall be deemed and held vacant, and the same filled, and the duties thereof discharged as though he were dead or had resigned.

Sec. 3. Be it further ordained, That the Governor of this State, the Lieutenant-Governor, Secretary of State, Comptroller, Treasurer, Attorney General and Commissioner of the General Land Office, be required, at such hour as shall be designated to them, by notice given them by the President of the Convention, (said hour

to be within three days, Sundays excepted, from and after the adoption of this ordinance,) to appear in open Convention, and take the oath aforesaid, which shall be administered by any Justice of the Supreme Court or Judge of the District Court of this State; and members of this Convention who are now here and hold office under this state, shall take the oath prescribed, at 12 o'clock M., on the day after the adoption of this ordinance.

Sec. 4. Be it further ordained, That all the officers of this State, not named in the next preceding section of this ordinance, are required to take the oath aforesaid, before such officers as are authorized to administer official oaths, and in the manner prescribed by existing laws—the members of the Legislature, upon their re-assembling, and all others within forty days from the date of the adoption of this ordinance; and the President of this Convention is hereby required to cause to be forwarded, a copy of this ordinance to the Chief Justice of each county of this State, and the Chief Justice of each county, on receipt of the same, shall forthwith notify the several officers of their respective counties, of the existence of this ordinance.

Adopted in Convention, at the City of Austin, on the 14th day of March, A. D. 1861.

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No. 13.—AN ORDINANCE

In furtherance of an Ordinance to provide for the continuance of the existing State Government.

Whereas, an ordinance was adopted by the people of the State of Texas, in Convention assembled, at the city of Austin, on Thursday, the 14th day of March, A. D. 1861, entitled "An Ordinance to provide for the continuance of the existing State Government," by the provisions of which it was made incumbent upon the Governor, Lieutenant-Governor, Secretary of State, Comptroller, Treasurer, Attorney General and Commissioner of the General Land Office, to take an official oath, prescribed by "An Ordinance to amend the 1st section of the 7th article (general provisions) of the Constitution of the State of Texas," adopted March 14, A. D. 1861, at such time as the President should appoint, within three days from the date of the passage of said ordinance; and, whereas, the President of said Convention, in obedience to the provisions of said first named ordinance, did appoint the hour of 12 o'clock M., of Saturday, the 16th day of March, 1861, as the hour at which said official oath should be taken, by said officers, and did cause to be given to said officers due and timely notice of the same; and, whereas, at the hour

of 12 M., of Saturday, the 16th day of March, 1861, the Convention being in session and the resident thereof having announced that the officer appointed therefor was prepared to administer the prescribed oath of office to said officers; and, whereas Sam. Houston, Governor, and E. W. Cave, Secretary of State, failed and refused to appear and take the said oath, as Governor and Secretary of State; and, whereas, Edward Clark, Lieut.-Governor of the State of Texas, did at that hour take and subscribe the oath aforesaid, as Lieut.-Governor of the State; therefore,

Section 1. Be it ordained by the People of Texas, in Convention assembled, That the office of Governor of the State of Texas, by reason of the refusal of the late Governor, Sam. Houston, to take the official oath, is vacant, and that the Lieut.-Governor, Edward Clark, is hereby required and authorized to exercise the powers and authority appertaining to the office of Governor, until another be chosen at the periodical election, and be duly qualified.

Sec. 2. Be it further ordained, That the office of Secretary of State, by reason of the said E. W. Cave having failed and refused to take the oath of office, prescribed in the above named ordinance, at the time appointed, is hereby declared vacant; and that the said E. W. Cave be and is hereby required to turn over and deliver to his successor in office, the great seal of State, all papers, archives, or other property belonging or in any wise appertaining to the State Department of State, upon demand made by said officer.

Sec. 3. Be it ordained, That the President of this Convention be and he is hereby required to transmit a copy of this ordinance to Sam. Houston, late Governor, and E. W. Cave, late Secretary of State, of the State of Texas; and Edward Clark, Lieut.-Governor; and also to the presiding officers of the two Houses of the State Legislature.

Adopted in Convention, at Austin, the 16th day of March, A. D. 1861.

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#### No. 14.—AN ORDINANCE

- To provide in part for the Military Defence of the State of Texas.

Section 1. Be it ordained by the People of the State of Texas in Convention assembled, That there shall be immediately raised and mustered into the service of the State of Texas, a regiment of mounted volunteers, consisting of ten companies, and each company shall consist of one hundred men, rank and file, to be enrolled for twelve months, unless sooner discharged by the Governor. The

commissioned officers of each company to be elected by the men, the non-commissioned officers to be appointed by the Captains.

Sec. 2. That for the command of said regiment there shall be elected by this Convention a Colonel, a Lieutenant-Colonel, and a Major, and appointed by said Colonel an Adjutant, a Quartermaster, a Commissary, a Regimental Surgeon, each with the rank of Captain, and such other officers and employees as the service may require, and as may be allowed by the laws, rules and regulations governing the army of the Confederate States of America; and for each of said companies there shall be elected as aforesaid, a Captain, a first Lieutenant, a second Lieutenant, and a Surgeon; and appointed by the Captains four Sergeants, four Corporals and a Bugler.

Sec. 3. That there shall be appointed by the Governor an enrolling officer for each of said companies, who shall enroll the men and assist at their organization; and, after said organization, the rolls shall be delivered to the Captains, who shall immediately return certified muster rolls to the Colonel. The companies shall be mustered into the service under the directions and by such officers as may be appointed by the Colonel for that purpose, and it shall be the special duty of the Colonel to superintend the arming and equipment of the men, in order that they may be brought into active service with as little delay as possible.

Sec. 4. That the officers and men shall provide themselves with suitable horses and accoutrements, and if any soldier prefers to furnish his own arms he shall be permitted to do so, provided the arms furnished are adapted to the service, of which the mustering-in officer shall determine; and there shall be allowed to each soldier who furnishes his own arms, one dollar per month additional pay, said officers and men shall be furnished, armed and equipped at the expense of the State, except their horses, accoutrements and clothing, and shall receive for their services the same pay that is allowed for service of the same character by the Confederate States of America.

Sec. 5. That said regiment shall be employed for the defence of the frontier of Texas, and in the prosecution of active campaigns into the Indian country; and should the Confederate States adopt and accept said regiment as a part of their military force, then and in that case said regiment shall be subject to its orders and laws; and while said force remains in the service of Texas it shall be governed by the laws, rules and regulations governing the army of the Confederate States of America.

Sec. 6. That while said regiment remains in the service of the State of Texas, the officer commanding the same shall report to the Governor of the State of Texas; but if accepted by the Confederate States of America, the commanding officer shall report as may be required by the laws of the Confederate States.

Sec. 7. That such portion of the public property now belonging to the State of Texas, whether the same may consist of arms, munitions of war, army stores, transportation, or any other thing which may be needful or necessary to the service, shall be and is hereby appropriated for the use of said force, and shall be delivered to such officers or persons as may be authorized to demand and receive the same, upon the requisition of the proper officer for the purpose aforesaid.

Sec. 8. That the volunteer force now in the service of the State of Texas, shall be received as a part of the force hereby provided, upon their compliance with the provisions of this ordinance.

Sec. 9. That the Governor of the State of Texas shall commission all the officers created by this ordinance, who are by law required to be commissioned; and each of said officers shall, before entering upon the duties of his office, take the oath of office prescribed by this Convention for all State officers; and every disbursing officer herein provided for shall enter into bond payable to the State of Texas in such sums as may be required by the Treasurer and Comptroller of the State of Texas, and to be approved by them.

Sec. 10. Be it further ordained, That this ordinance shall be and remain in full force and effect until otherwise provided by act of the Legislature of Texas, or by act of the Congress of the Confederate States.

Adopted in Convention, at Austin, on the 18th day of March, A. D. 1861.

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#### No. 15.—AN ORDINANCE

Relating to the Expenses, Debts, and Liabilities of this Convention.

Section 1. Be it ordained by the People of the State of Texas in Convention assembled, That the Legislature be and it is hereby authorized and empowered to make provision for the payment of the mileage and per diem of the members of this Convention, and to make the necessary appropriations to meet the expenses, debts, and liabilities incurred by authority of said Convention.

Adopted in Convention, at Austin, on the 19th day of March, A. D. 1861.

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#### No. 16.—AN ORDINANCE

To confer jurisdiction over the Forts, Navy Yards, Arsenals, and Light-houses in the State of Texas, upon the Confederate States of America.

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Section 1. Be it ordained by the People of the State of Texas in Convention assembled, That the Government of the Confederate States is hereby authorized to use, occupy, and hold possession of all Forts, Navy Yards, Arsenals, and Light-houses and their appurtenances, in this State, and shall repair and rebuild said Forts, Navy Yards, Arsenals, and Light-houses, and construct others in accordance with existing laws of this State, while this State shall continue a member of said Confederacy.

Adopted in Convention, at the City of Austin, on the 20th day of March, A. D. 1861.

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No. 18.—AN ORDINANCE

To ratify the Constitution of the Confederate States of America.

The people of the State of Texas assembled by delegates in Convention, ordain, That the Constitution of the Confederate States of America, adopted March 11th, 1861, by the Congress of the provisional Government of said Confederacy, for the permanent government thereof, subject to ratification by the respective States, is hereby ratified, accepted, and adopted for the purposes therein expressed on the part of this State, acting in its sovereign and independent character.

Adopted in Convention, at the City of Austin, on the 23d day of March, A. D. 1861.

[The above ordinance passed by a vote of 128 yeas, to 2 nays.]

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No. 19.—AN ORDINANCE

Concerning certain Commissioners and Officers appointed by authority of this Convention.

Section 1. The People of Texas in Convention assembled, do ordain and declare that James E. Harrison, Charles A. Hamilton, and James Bourland, Commissioners accredited by this Convention to the Indian Nations; and Simeon Hart and P. T. Herbert, Commissioners to Arizona and New Mexico, shall make a full report of their acts and doings on said missions, to the Governor of this State, who shall transmit the same to the President of the Confederate States of America, retaining a copy of the same in the State Department.

Sec. 2. The Legislature of the State of Texas are hereby authorized by law to provide for the compensation of said commissioners and their secretary, for their services on said mission.



Sec. 3. That Col. John S. Ford, Col. Henry E. McCulloch, and E. B. Nichols, Hiram B. Waller, and the Commissioners to San Antonio, report their accounts to the Governor, which have not been passed upon by this Convention, and that the Governor, Treasurer, and Comptroller audit the same, and give certificates for the amount due each of them, if anything; for the payment of which the faith of the State is hereby pledged: Provided, no accounts shall be allowed except such as were created in obtaining and preserving the Federal property for the State, and defending the country.

Sec. 4. That Col. John S. Ford shall discharge the troops under his command on the Rio Grande, so soon as the regiment over which he has been called to command (excepting such of them as may be retained in the service under the provisions of the ordinance raising the regiment) shall be mustered into service. That H. E. McCulloch shall discharge the troops under his command so soon as the regiment called out by the Confederate States shall be mustered into service.

Done in Convention, at Austin, this 23d day of March, A. D. 1861.

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#### No. 20.—AN ORDINANCE

Relating to the Laws of the State of Texas.

Be it ordained by the People of Texas in Convention assembled, That all the laws of the State of Texas now in force in which the words "United States," or "United States of America" occur, the words "Confederate State of America" shall be substituted in their stead, wherever it is necessary to adapt the laws to the present state of things; and hereafter the laws shall be printed and published in accordance with this ordinance, as if the Legislature had so amended them.

Adopted in Convention, at the City of Austin, on the 23d day of March, A. D. 1861.

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#### No. 22.—AN ORDINANCE.

Concerning the Suits, Records, and Papers, which pertained to the Federal Courts, in Texas.

The People of the State of Texas, assembled by delegates in Convention, ordain, That the Legislature of this State may provide, in its discretion, for jurisdiction and disposal of the suits, records, and  
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papers, which were in the Courts of the United States of America, in Texas, preceding and on the second day of March, eighteen hundred and sixty-one.

Adopted in Convention, at the City of Austin, on the 25th day of March, A. D. 1861.

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No. 23.—AN ORDINANCE

Specifying the Ordinances of the Convention which shall be subject to Legislative action.

Be it ordained by the People of Texas in Convention, That the several ordinances hereinafter specified by title and date, shall be subject to such action in relation thereto, by the Legislature of this State, as may be necessary and proper, to wit:

1. "Respecting public property." Adopted March 9th, 1861.
2. "In relation to Custom House Officers and Customs Revenue." Adopted March 8th, 1861.
3. "To authorize the purchase of Arms for the use of the State." Adopted March 9th, 1861.
4. "Concerning the Arms, Quartermaster, Ordnance, and Commissary Stores recently surrendered to the State of Texas by the stipulations between the Commissioners of the State and Brevet Maj.-Gen. David E. Twiggs." Adopted March 12th, 1861.
5. "To provide in part for the military defence of the State of Texas." Adopted March 18th, 1861.
6. "Relating to the laws of Texas." Adopted March 23d, 1861.

Adopted in Convention at the City of Austin, on the 25th day of March, A. D. 1861.



## RESOLUTIONS.

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### No. 1.—Providing for the election of Delegates.

Resolved, That this Convention proceed forthwith to elect, by ballot, seven delegates to represent the State of Texas in the Convention of slaveholding [seceded] States, at Montgomery, Alabama, in order that the views and interests of the people of Texas may be consulted, with reference to the Constitution and Provisional Government that may be established by said Convention.

Adopted in Convention, at the City of Austin, on the 4th day of February, A. D. 1861.

[Under the above resolution Louis T. Wigfall, John H. Reagan, John Hemphill, Thomas N. Waul, John Gregg, Williamson S. Oldham and William B. Ochiltree were elected delegates on the 4th day of February.]

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### No. 2.—In relation to the Committee of Public Safety.

Resolved by the People of the State of Texas, by delegates in Convention assembled, That should the standing committee of Public Safety deem it essential to the public safety to appoint commissioners, officers or persons, in reference to taking possession of any of the Federal property within the limits of this State, they shall have power to appoint such, and assign them their duties and give them the instructions under which they shall act; but this power shall only extend to such cases in which the committee may deem prompt action and secrecy absolutely necessary.

Adopted, February 2, 1861.

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### No. 3.—On the same subject.

Resolved, That the standing committee on Public Safety shall continue in session during the recess of this Convention; that they

hold their meetings at such times and places as in their judgment the public interest requires; that said committee may grant leave of absence to its members, provided such leave of absence shall not reduce the number left to a less number than nine.

2. Resolved, That said committee shall keep a full and accurate journal of their acts, in a well bound book, and report the same to the Convention on the re-assembling thereof, on the 2d day of March next.

Adopted February 4th, 1861.

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### REMARKS.

The Ordinances amending the State Constitution, numbered 11, 17 and 21, are omitted, for the reason that they are incorporated, by sections, in brackets [“ ”], in the appropriate places in the body of the Constitution as now published.

JOHN HENRY BROWN,  
Chairman of Committee.

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DEPARTMENT OF STATE,  
AUSTIN, TEXAS, April 2, 1861.

I, Bird Holland, Secretary of State of the State of Texas, hereby certify that the Convention of the people of Texas, by their delegates, assembled in the city of Austin, on Monday, the 28th day of January, 1861;—that said Convention adjourned the 5th day of February, to meet again on the second day of March, 1861;—and that it did so re-assemble on said second day of March, and adjourned sine die on the 25th day of the same month.

[L. S.] Given under my hand and official seal on the day and year first above written of the independence of Texas the twenty-sixth year, and of the “Confederate States of America,” the first.

BIRD HOLLAND,  
Secretary of State.

**THE**

**CONSTITUTION**

**OF**

**CONFEDERATE STATES OF AMERICA**

**MARCH 11, 1861.**

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**AUSTIN**  
**1861**



**CONSTITUTION**  
**OF THE**  
**CONFEDERATE STATES OF AMERICA.**

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We, the People of the Confederate States, each State acting in its sovereign and independent character, in order to form a permanent Federal Government, establish justice, insure domestic tranquility, and secure the blessings of Liberty to ourselves and our posterity—invoking the favor and guidance of Almighty God—do ordain and establish this Constitution for the Confederate States of America:

**ARTICLE I.**

**SECTION I.**

All legislative powers herein delegated shall be vested in a Congress of the Confederate States, which shall consist of a Senate and House of Representatives.

**SECTION II.**

1. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall be citizens of the Confederate States, and have the qualifications requisite for electors of the most numerous branch of the State Legislature; but no person of foreign birth, not a citizen of the Confederate States, shall be allowed to vote for any officer, civil or political, State or Federal.

2. No person shall be a Representative, who shall not have attained the age of twenty-five years, and be a citizen of the Confederate States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Confederacy, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all slaves. The actual enumeration shall be made

(1541)



within three years after the first meeting of the Congress of the Confederate States, and within every subsequent term of ten years, in such manner as they shall, by law, direct. The number of Representatives shall not exceed one for every fifty thousand, but each State shall have, at least, one Representative; and until such enumeration shall be made, the State of South Carolina shall be entitled to choose six; the State of Georgia ten; the State of Alabama nine; the State of Florida two; the State of Mississippi seven; the State of Louisiana six, and the State of Texas six.

When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment; except that any judicial or other federal officer resident and acting solely within the limits of any State, may be impeached by a vote of two-thirds of both branches of the Legislature thereof.

### SECTION III.

1. The Senate of the Confederate States shall be composed of two Senators from each State, chosen for six years, by the Legislature thereof, at the regular session next immediately preceding the commencement of the term of service; and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained the age of thirty years, and be a citizen of the Confederate States, and who shall not, when elected, be an inhabitant of the State for which he shall be chosen.

4. The Vice-President of the Confederate States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the Confederate States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or

affirmation. When the President of the Confederate States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment, in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the Confederate States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

#### SECTION IV.

1. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof, subject to the provisions of this Constitution; but the Congress may, at any time by law, make or alter such regulations, except as to the times and places of choosing Senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

#### SECTION V.

1. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds of the whole number, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses may be sitting.

#### SECTION VI.

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the Confederate States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective

Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the Confederate States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the Confederate States shall be a member of either House during his continuance in office; but Congress may by law grant to the principal officer in each of the Executive Departments a seat upon the floor of either House, with the privilege of discussing any measures appertaining to his department.

#### SECTION VII.

1. All bids for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed both Houses, shall, before it becomes a law, be presented to the President of the Confederate States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law. The President may approve any appropriation and disapprove any other appropriation in the same bill. In such case he shall, in signing the bill, designate the appropriations disapproved; and shall return a copy of such appropriations, with his objections, to the House in which the bill shall have originated; and the same proceedings shall then be had as in case of other bills disapproved by the President.

3. Every order, resolution, or vote, to which the concurrence of both Houses may be necessary, (except on a question of adjournment,) shall be presented to the President of the Confederate States; and before the same shall take effect, shall be approved by

him, or, being disapproved by him, shall be re-passed by two-thirds of both Houses, according to the rules and limitations prescribed in the case of a bill.

SECTION VIII.

The Congress shall have power—

1. To lay and collect taxes, duties, imposts, and excises, for revenue necessary to pay the debts, provide for the common defence and carry on the Government of the Confederate States; but no bounties shall be granted from the Treasury, nor shall any duties or taxes on importations from foreign nations be laid to promote or foster any branch of industry; and all duties, imposts and excises shall be uniform throughout the Confederate States.

2. To borrow money on the credit of the Confederate States.

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes; but neither this nor any other clause contained in the Constitution shall ever be construed to delegate the power to Congress to appropriate money for any internal improvement, intended to facilitate commerce, except for the purpose of furnishing lights, beacons and buoys, and other aids to navigation upon the coasts, and the improvement of harbors and the removing of obstructions in river navigation; in all which cases such duties shall be laid on the navigation facilitated thereby, as may be necessary to pay the costs and expenses thereof.

4. To establish uniform laws of naturalization, and uniform laws on the subject of bankruptcies, throughout the Confederate States; but no law of Congress shall discharge any debt contracted before the passage of the same.

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

6. To provide for the punishment of counterfeiting the securities and current coin of the Confederate States.

7. To establish post-offices and post-roads; but the expenses of the Post-Office Department, after the first day of March, in the year of our Lord eighteen hundred and sixty-three, shall be paid out of its own revenues.

8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

9. To constitute tribunals inferior to the Supreme Court.

10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations.

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years.

13. To provide and maintain a navy.

14. To make rules for the government and regulation of the land and naval forces.

15. To provide for calling forth the militia to execute the laws of the Confederate States, suppress insurrections and repel invasions.

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederate States, reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

17. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of one or more States and the acceptance of Congress, become the seat of Government of the Confederate States; and to exercise like authority over all places purchased, by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings: and,

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the Confederate States, or in any department or officer thereof.

#### SECTION IX.

1. The importation of negroes of the African race from any foreign country other than the slaveholding States or Territories of the United States of America, is hereby forbidden, and Congress is required to pass such laws as shall effectually prevent the same.

2. Congress shall also have power to prohibit the introduction of slaves from any State not a member of, or Territory not belonging to, this Confederacy.

3. The privilege of the writ of habeas corpus shall not be suspended, unless, when in cases of rebellion or invasion, the public safety may require it.

4. No bill of attainder, ex post facto law, or law denying or impairing the right of property in negro slaves, shall be passed.

5. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

6. No tax or duty shall be laid on articles exported from any State except by a vote of two-thirds of both Houses.

7. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

8. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and

account of the receipts and expenditures of all public money shall be published from time to time.

9. Congress shall appropriate no money from the Treasury except by a vote of two-thirds of both Houses, taken by yeas and nays, unless it be asked and estimated for by some one of the Heads of Department and submitted to Congress by the President; or for the purpose of paying its own expenses and contingencies; or for the payment of claims against the Confederate States, the justice of which shall have been judicially declared by a tribunal for the investigation of claims against the Government, which it is hereby made the duty of Congress to establish.

10. All bills appropriating money, shall specify, in Federal currency, the exact amount of each appropriation, and the purposes for which it is made, and Congress shall grant no extra compensation to any public contractor, officer, agent or servant after such contract shall have been made, or such service rendered.

11. No title of nobility shall be granted by the Confederate States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign State.

12. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or the press; or the right of the people peaceably to assemble and petition the Government for a redress of grievances.

13. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

14. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

15. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

16. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use, without just compensation.

17. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witness against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

18. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact so tried by a jury shall be otherwise re-examined in any court of the Confederacy than according to the rules of the common law.

19. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

20. Every law, or resolution having the force of law, shall relate to but one subject, and that shall be expressed in the title.

#### SECTION X.

1. No State shall enter into any treaty, alliance or confederation; grant letters of marque and reprisal; coin money; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the Confederate States; and all such laws shall be subject to the revision and control of Congress.

3. No State shall, without the consent of Congress, lay any duty on tonnage, except on sea-going vessels, for the improvement of its rivers and harbors, navigated by the said vessels; but such duties shall not conflict with any treaties of the Confederate States with foreign nations; and any surplus revenue thus derived shall, after making such improvement, be paid into the common treasury; nor shall any State keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war unless actually invaded, or in such imminent danger as will not admit of delay; but when any river divides or flows through two or more States, they may enter into compacts with each other to improve the navigation thereof.

ARTICLE II.

SECTION I.

1. The Executive power shall be vested in a President of the Confederate States of America. He and the Vice-President shall hold their offices for the term of six years; but the President shall not be re-eligible. The President and Vice-President shall be elected as follows:

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the Confederate States, shall be appointed an elector.

3. The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom at least shall not be an inhabitant of the same State with themselves. They shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify and transmit, sealed, to the seat of Government of the Confederate States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed, and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice; and if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President as in case of the death or other constitutional disability of the President.

4. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Sen-



ate shall choose the Vice-President. A quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

5. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the Confederate States.

6. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the Confederate States.

7. No person, except a natural born citizen of the Confederate States, or a citizen thereof at the time of the adoption of this Constitution, or a citizen thereof born in the United States prior to the twentieth of December, 1860, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the limits of the Confederate States, as they may exist at the time of his election.

8. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President; and such officer shall act accordingly until the disability be removed or a President shall be elected.

9. The President shall, at stated times, receive for his services a compensation, which shall be neither increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the Confederate States, or any of them.

10. Before he enters on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the Confederate States, and will, to the best of my ability, preserve, protect, and defend the Constitution thereof."

## SECTION II.

1. The President shall be Commander-in-chief of the army and navy of the Confederate States, and of the militia of the several States, when called into the actual service of the Confederate States; he may require the opinion, in writing, of the principal officer in each of the Executive Departments, upon any subject relating to the duties of their respective offices; and he shall have the power to grant reprieves and pardons for offences against the Confederate States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of

the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other officers of the Confederate States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the Heads of Departments.

3. The principal officer in each of the Executive Departments, and all persons connected with the diplomatic service, may be removed from office at the pleasure of the President. All other civil officers, of the Executive Department, may be removed at any time by the President, or other appointing power, when their services are unnecessary, or for dishonesty, incapacity, inefficiency, misconduct, or neglect of duty; and when so removed the removal shall be reported to the Senate, together with the reasons therefor.

4. The President shall have power to fill all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session; but no person rejected by the Senate shall be re-appointed to the same office during their ensuing recess.

#### SECTION III.

1. The President shall from time to time give to the Congress information of the state of the Confederacy, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the Confederate States.

#### SECTION IV.

The President, Vice-President, and all civil officers of the Confederate States, shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors.

## ARTICLE III.

## SECTION I.

1. The Judicial power of the Confederate States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

## SECTION II.

1. The Judicial power shall extend to all cases arising under this Constitution, the laws of the Confederate States, and treaties made, or which shall be made, under their authority; to all cases affecting Ambassadors, other public Ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the Confederate States shall be a party; to controversies between two or more States; between a State and citizen of another State, where the State is plaintiff; between citizens claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens, or subjects; but no State shall be sued by a citizen or subject of any foreign State.

2. In all cases affecting Ambassadors, other public Ministers, and Consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

## SECTION III.

1. Treason against the Confederate States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

( 1552 )

## ARTICLE IV.

### SECTION I.

1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

### SECTION II.

1. The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States, and shall have the right of transit and sojourn in any State of this Confederacy, with their slaves and other property; and the right of property in said slaves shall not be thereby impaired.

2. A person charged in any State with treason, felony or other crime, against the laws of such State; who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No slave or other person held to service or labor in any State or Territory of the Confederate States, under the laws thereof, escaping, or lawfully carried into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such slave belongs, or to whom such service or labor may be due.

### SECTION III.

1. Other States may be admitted into this Confederacy by a vote of two-thirds of the whole House of Representatives, and two-thirds of the Senate—the Senate voting by States; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations concerning the property of the Confederate States, including the lands thereof.

3. The Confederate States may acquire new territory, and Congress shall have power to legislate and provide governments for the inhabitants of all territory belonging to the Confederate States lying without the limits of the several States, and may permit them, at such times and in such manner as it may by law provide, to form States to be admitted into the Confederacy. In all such territory,

the institution of negro slavery, as it now exists in the Confederate States, shall be recognized and protected by Congress, and by the Territorial Government; and the inhabitants of the several Confederate States and Territories shall have the right to take to such Territory any slaves lawfully held by them, in any of the States or Territories of the Confederate States.

4. The Confederate States shall guarantee to every State that now is, or hereafter may become, a member of this Confederacy, a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive when the Legislature is not in session, against domestic violence.

## ARTICLE V.

### SECTION I.

1. Upon the demand of any three States, legally assembled in their several Conventions, the Congress shall summon a Convention of all the States to take into consideration such amendments to the Constitution as the said States shall concur in suggesting at the time when the demand is made; and should any of the proposed amendments to the Constitution be agreed on by the said Convention, voting by States, and the same be ratified by the Legislatures of two-thirds of the several States, or by Conventions in two-thirds thereof, as the one or the other mode of ratification may be proposed by the General Convention, they shall thenceforward form a part of this Constitution. But no State shall, without its consent, be deprived of its equal representation in the Senate.

## ARTICLE VI.

### SECTION I.

The Government established by this Constitution is the successor of the Provisional Government of the Confederate States of America, and all the laws passed by the latter shall continue in force until the same shall be repealed or modified; and all the officers appointed by the same shall remain in office until their successors are appointed and qualified, or the offices abolished.

### SECTION II.

All debts contracted and engagements entered into before the adoption of this Constitution, shall be as valid against the Confederate States, under this Constitution, as under the Provisional Government.

( 1554 )

SECTION III.

This Constitution and the laws of the Confederate States, made in pursuance thereof, and all treaties made, or which shall be made under the authority of the Confederate States, shall be the supreme law of the land; and the Judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

SECTION IV.

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the Confederate States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the Confederate States.

SECTION V.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people of the several States.

SECTION VI.

The powers not delegated to the Confederate States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people thereof.

ARTICLE VII.

1. The ratification of the Conventions of five States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

2. When five States shall have ratified this Constitution, in the manner before specified, the Congress, under the Provisional Constitution, shall prescribe the time for holding the election of President and Vice-President, and for the meeting of the electoral college, and for counting the votes, and inaugurating the President. They shall also prescribe the time for holding the first election of members of Congress under this Constitution, and the time for assembling the same. Until the assembling of such Congress, the Congress under the Provisional Constitution shall continue to exercise the legislative powers granted them, not extending beyond the time limited by the Constitution of the Provisional Government.

( 1555 )

## EXTRACT FROM THE JOURNAL OF THE CONGRESS.

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Congress, March 11, 1861.

On the question of the adoption of the Constitution of the Confederate States of America, the vote was taken by yeas and nays; and the Constitution was unanimously adopted, as follows:

Those who voted in the affirmative being Messrs. Walker, Smith, Curry, Hale, McRae, Shorter and Fern, of Alabama, (Messrs. Chilton and Lewis being absent;) Messrs. Morton, Anderson and Owens, of Florida; Messrs. Toombs, Howell Cobb, Bartow, Nisbet, Hill, Wright, Thomas R. R. Cobb and Stephens of Georgia, (Messrs. Crawford and Kenan being absent;) Messrs. Perkins, de Clouet, Conrad, Kenner, Sparrow and Marshall, of Louisiana; Messrs. Harris, Brooke, Wilson, Clayton, Barry and Harrison, of Mississippi, (Mr. Campbell being absent;) Messrs. Rhett, Barnwell, Keitt, Chesnut, Memminger, Miles, Withers and Boyce, of South Carolina; Messrs. Reagan, Hemphill, Waul, Gregg, Oldham and Ochiltree, of Texas, (Mr. Wigfall being absent.)

A true copy.

J. J. HOOPER

Secretary of the Congress.

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Congress, March 11, 1861.

I do hereby certify that the foregoing are, respectively, true and correct copies of "The Constitution of the Confederate States of America," unanimously adopted this day, and of the yeas and nays, on the question of the adoption thereof.

HOWELL COBB,

President of the Congress.

















